403-

SUPREME COURT OF THE UNITED STATES.

No. ~~69.~~ 17.

CHARLOTTE D. OWINGS AND FRANCIS T. D. TAYLOR, PLAINTIFFS IN ERROR,

VERSUS

JAMES F. HULL.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF MARYLAND

INDEX.

	Original.	Print.
Writ	1	4
Return	2	4
Declaration	3	4
Rule plea	4	5
Plea and issue	6	6
Leave to issue commission to New Orleans on the part of the plaintiff	7	6
Jury	7	6
Juror withdrawn; and leave to amend the declaration	8	7
Leave to issue commission to N. Orleans on the part of the plaintiff	8	7
Amended declaration	9	7
Rule plea	12	9
Plea and issue	13	9
Jury	13	9
Verdict	13	9
Judgment on the verdict	14	9
Defendants' 1st exception	15	10
1st commission on the part of the plaintiff	15	10
Interrogatories	17	11
Deposition of J. W. Zacharie	20	12
Deposition of Tho. S. Kennedy	21	13
Deposition of N. B. Le Breton	22	13
Deposition of G. R. Stringer	23	14
Deposition of Martin Blache	24	14
Deposition of Nathan Morse	25	15
Deposition of T. F. McCaleb	27	16
Commissioners' certificate	28	16

Exhibit P, referred to in the depositions....26....17
Petition....29....17
Order of court....31....18
Citation to J. F. Hull, and Kenny Laverty....31....18
Sheriff's return....31....18
Answer of Kenny Laverty....32....18
Rule of reference....33....19
Order of court....33....19
Agreement....33....19
Discontinuance as to Kenny Laverty....34....19
Answer of James F. Hull....34....20
Order of court setting aside the rule of reference....36....20
Order of court refusing the prayer for trial by jury....36....21
Deposition of L S. Parmley....36....21
Deposition of Eben Fisk....37....21
Order of court to bring in the books and papers of J. K. West, and others....37....21
Deposition of James Colles....38....22
Deposition of J. B. Byrne....38....22
Statement of documents filed by the parties....39....22
Letter from J. K. West to J F. Hull, dated February 24, 1817....04....23
Letter from J F. Hull to J. K. West....41....23
Letter from G. Winchester to J. K. West, 13th November, 1816....41....24
Letter from same to same, 14th July, 1817....42....24
Power of attorney from the Miss Owings to Geo. Winchester....44....25
Power of attorney from F. T. D Owings to J. K. West....46....26
Power of attorney from Juliana Vanpradelles to same....47....27
Notarial act of sale, 27th August, 1817....49....27
Petition for letters of executorship....51....28
Order of court thereon....51....29
Mrs. Vanpradelles's will....52....29
Power of attorney from C. D. Owings and F. T. D. Owings to J. K. West, dated 30th January, 1816....54....30
Affirmation of John K. West....56....31
Letters testamentary to John K. West....57....32
John K. West's accounts....58, 59, 60, 61, 62, 63, 64, 65, 66, 67....33
Deposition of John K. West....68....39
Deposition of Samuel B. Bennett....69....39
Deposition of Greenbury Dorsey....70....40
Affidavit of James R. Sterrett....71....40
Affidavit of N. Morse....72....41
Letter from Geo. Winchester to Morgan Dorsey & Co., 17th March, 1819....73....41
Letter from Alex'r Nesbit to same, 19th March, 1822....74....42
Letter from Mrs. Donaldson to same, 17th September, 1821....75....42
Judgment of the parish court....76....43
Motion for a new trial....78....43
Grounds for a new trial....78....44
Opinion of the court on the motion....79....44
Appeal prayed on the part of J. F. Hull, and granted....81....45
Appeal prayed on the part of the plaintiffs, and granted....81....45, 46

Opinion of the Supreme Court of Louisiana.....82.....4
2d commission on the part of J. F. Hull.....89.....49
Interrogatories.....91.....50
Deposition of Martin Blache.....93.....51
Power of attorney from C. D. Owings and F. T. D. Owings to J. K. West, dated 30th Jan'y, 1816.....94.....52
Letter from Geo. Winchester to J. K. West, 4th June, 1818.....99.....54
Letter from same to same, 13th Jan'y, 1819.....100.....55
Letter from same to same, 15th Feb'y, 1819.....101.....55
Letter from same to same, 17th March, 1819.....102.....56
Notice to defendant's attorneys to produce papers.....103.....56
Defendant's objections to plaintiffs' testimony.....105.....57
Defendant's prayer.....105.....57
Plaintiffs' prayers.....107.....58
Opinion of the court.....107.....58
Defendant's 2d exception.....110.....59
Defendant's 3d exception.....111.....59
Writ of error.....113.....60
Writ of error—bond.....115.....61
Citation.....116.....62

THE UNITED STATES OF AMERICA, *District of Maryland,* } *to wit:*

At a circuit court of the United States for the fourth circuit, in and for the Maryland district, begun and held at the city of Baltimore, on the first day of November, in the year of our Lord one thousand eight and thirty-one,

Present: The honorable GABRIEL DUVALL, *one of the Associate Justices of the Supreme Court of the United States*
The honorable ELIAS GLENN, *Judge of Maryland District.*
NATHANIEL WILLIAMS, esquire, *Attorney.*
THOMAS FINLEY, esquire, *Marshal.*
PHILIP MOORE, *Clerk.*

Among other, were the following proceedings, to wit:

JAMES F. HULL,
vs.
CHARLOTTE D. OWINGS,
FRANCES T. D. TAYLOR.

Be it remembered that, heretofore, to wit, on the sixth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, the said James F. Hull, by Nathaniel Williams, his attorney, prosecuted, and sued forth out of the circuit court here, the writ of the United States of America of capias ad respondendum, directed to the marshal of the Maryland district, in the words, and of the tenor following, to wit:

UNITED STATES OF AMERICA, *Maryland District,* } *to wit:*

To the Marshal of Maryland district, greeting:

Writ. We command you that you take Charlotte Deye Owings and Frances Thwaite Deye Taylor, citizens of the State of Maryland, gentlewomen, if they shall be found in your district; and that them, so taken, you safe keep, so that you have their bodies before the judges of the circuit court of the United States for the fourth circuit in and for the Maryland district, at the United States' court room, in the city of Baltimore, on the eighth day of December instant, to answer unto James F. Hull, a citizen of the State of Louisiana, in a plea of trespass on the case, &c. Hereof you are not to fail at your peril; and have you then and there this writ. Witness, the honorable John Marshall, Chief Justice of our Supreme Court, the first Monday of August, in the year of our Lord one thousand eight hundred and twenty-eight.

N. W. Issued 6th day December, 1828.

[SEAL.] PHILIP MOORE, *C'k Circ't Ct.*

At which mentioned eighth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, being the day of the return of the aforegoing writ, comes into the circuit court here, the said James F. Hull, by his attorney aforesaid, and the marshal of the district of Maryland aforesaid, to wit, Thomas Finley, gentleman, to whom the said aforegoing writ was, in form aforesaid, directed, makes return thereof to the court here thus endorsed, to wit:

"Cepi. Thomas Finley, Marshal."

Return. " 14 miles, Charlotte D. Owings."

And the said Charlotte D. Owings and Frances T. D. Taylor, being called, appear in court here, by George Winchester, their attorney.

And the said James F. Hull, by his attorney aforesaid, declared against the said Charlotte D. Owings and Frances T. D. Taylor, in the plea aforesaid, in form following, to wit:

Declaration. *Circuit Court of the United States for the Fourth Circuit in and for the District of Maryland.*

District of Maryland, ss.

Charlotte Deye Owings and Frances Thwaite Deye Taylor, citizens of the State of Maryland, gentlewomen, late of said district, were attached to answer unto James F. Hull, a citizen of the State of Louisiana, in a plea of trespass on the case, &c.

And whereupon the said James F. Hull, by Nathaniel Williams, his at-

1st count. torney, complains, for that whereas the said Charlotte and Frances, the defendants in this cause, on the 1st day of October, in the year eighteen hundred and twenty-eight, to wit, at the district aforesaid, were indebted to the said James F. Hull, the plaintiff in this cause, in the sum of three thousand dollars, for divers goods, wares, and merchandise, by the said plaintiff before that time sold and delivered to the said defendants, and at their special instance and request; and, also, in a like sum for money by the said plaintiff before that time lent and advanced to, and paid, laid out, and expended for the said defendants, and at their like special in-

stance and request; and, also, in a like sum for other money by the said defendants before that time had and received to, and for the use of the said plaintiff. And being so indebted, the said defendants, in consideration thereof, afterwards, to wit, on day and year aforesaid, at the district aforesaid, undertook, and then and there faithfully promised the said plaintiff, to pay him the said several sums of money in this count mentioned, when the said defendants should be thereunto afterwards requested. And 2d count. whereas also the said defendants, afterwards, to wit, on the day and year aforesaid, at the district aforesaid, accounted with the said plaintiff, of, and concerning divers other sums of money before that time due and owing from the said defendants to the said plaintiff, and then being in arrear, and unpaid. And, upon such accounting, the said defendants were then and there found to be in arrear, and indebted to the said plaintiff in another large sum of money, to wit, in the further sum of thirty hundred dollars; and, being so found in arrear and indebted, the said defendants, in consideration thereof, afterwards, to wit, on the day and year aforesaid, at the district aforesaid, undertook, and faithfully promised the said plaintiff, to pay him the last mentioned sum of money, when the said defendants should be thereto afterwards requested.

Nevertheless, the said defendants, not regarding their said promises and undertakings, have not, nor has either of them, yet paid the aforesaid several sums of money, or either of them, or any part of either of them, to the said plaintiff, (although so to do the said defendants were requested, by the said plaintiff, afterwards, to wit, on the day and year aforesaid, and often afterwards, at the district aforesaid,) but to pay the same the said defendants have hitherto altogether refused, and do still refuse so to do, to the damage of the said plaintiff five thousand dollars, and thereupon he brings suit, &c.

N. WILLIAMS, *Plaintiff's Attorney.*

And thereupon, on motion of the said James F. Hull, by his attorney aforesaid, it is ruled by the court here, that the said Charlotte D. Owings and Frances T. D. Taylor answer to the declaration aforesaid of James F. Hull, in the plea aforesaid, or judgment by the court here will be entered against them in default thereof. Rule—plea.

And the said Charlotte D. Owings and Frances T. D. Taylor, by their attorney aforesaid, defend the force and injury, when and so forth; and pray leave of the court here to imparle until the eighth day of May next, and then to answer unto the declaration aforesaid of the said James F. Hull, in the plea aforesaid, and to them it is granted: the same day is given to the aforesaid James F. Hull also.

At which said eighth day of May, in the year of our Lord one thousand eight hundred and twenty-nine, come again into the circuit court here, as well the said James F. Hull, by his attorney aforesaid, as the said Charlotte D. Owings and Frances T. D. Taylor, by their attorney aforesaid: Whereupon, further process of, and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties, and their attorneys aforesaid, and, by order of the court here thereon, is further continued until the eighth day of December next. May term, 1829—continuance.

At which said eighth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, come again into the circuit here, as well the said James F. Hull, by his attorney aforesaid, as the said Charlotte D. Owings and Frances T. D. Taylor, by their attorney aforesaid.

December term, 1829, continuance. Thereupon further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties, and their attorneys aforesaid, and by order of the court here thereon, is further continued until the eighth day of April next.

At which said eighth day of April, in the year of our Lord one thousand eight hundred and thirty, come again into the circuit court here as well the said James F. Hull, by his attorney aforesaid, as the said Charlotte D. Owings and Frances T. D. Taylor, by their attorney aforesaid.

April term, 1830—continuance. Thereupon further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties and their attorneys aforesaid, and by order of the court here thereon, is further continued until the first day of November next.

At which said first day of November, in the year of our Lord one thousand eight hundred and thirty, come again into the circuit court here as well the said James F. Hull, by his attorney aforesaid, as the said Charlotte D. Owings and Frances T. D. Taylor, by their attorney aforesaid.

November term, 1830. Non asst. & issue. And the said Charlotte D. Owings and Frances T. D. Taylor, by their attorney aforesaid, as before, defend the force and injury when, and so forth, and say that they did not assume upon themselves in manner and form as the aforesaid James F. Hull above against them hath complained, and of this they put themselves upon the country; and the said James F. Hull in like manner, and so forth.

Therefore, let a jury thereon appear before the court here on the eighth day of April next, by whom, &c., and who neither, &c., to recognize, &c., because as well, &c., the same day is given to the said parties then and there, &c.

Leave to issue commission to N. Orleans on the part of the defendants. And the said Charlotte D. Owings and Frances T. D. Taylor, by their attorney aforesaid, pray the court here that commission may issue to the city of New Orleans to examine evidences in this cause, and that the depositions, returned with the said commission, may be read at the trial hereof; and it is granted them.

Continuance. Thereupon, further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties, and their attorneys aforesaid, and by order of the court here thereon, is further continued until the eighth day of April next.

At which said eighth day of April, in the year of our Lord one thousand eight hundred and thirty-one, come again into the circuit court here as well the said James F. Hull, by his attorney aforesaid, as the said Charlotte D. Owings and Frances T. D. Taylor, by Richard B. Magruder and William Geo. Krebs, their attorneys.

Whereupon, for trying the issue aforesaid, it is ordered by the court here that twenty persons, from the pannel of petit jurors returned to the court here, by the marshal of the Maryland district aforesaid, be drawn by ballot. And thereupon, the twenty persons being so drawn by ballot, and written upon two lists, one of which said lists is delivered to the counsel for the respective parties, and the counsel for each of the said parties having stricken out four persons from the said lists, thereupon the remaining twelve persons being called, come, to wit, William R. Stuart, Jacob Poe, John Street, James Gettings, Standish Barry, David Clendennin, Samuel Young, William P. Patterson, Benjamin H. Mullikin, Edward Morgan, Robert M. Gibbs, and George Bradford, who being empannelled and sworn to say the truth in the premises.

Jury.

Whereupon, for certain reasons as well to the court here as to the parties aforesaid appearing, the said George Bradford, one of the jurors of the jury within mentioned, from the pannel aforesaid, is withdrawn by consent of the said parties, and by order of the court here, and the rest of the jurors of that jury are wholly discharged from giving any verdict of and upon the premises within mentioned. Juror withdrawn by consent.

And the said James F. Hull, by his attorney aforesaid, prays leave of the court here, according to the form of the statute in such case made and provided, to amend his declaration aforesaid, and declare anew against the said Charlotte D. Owings and Frances T. D. Taylor; and it is granted him. Leave to amend the declaration.

And the said James F. Hull, by his attorney aforesaid, prays the court here that commission may issue to the city of New Orleans, to examine evidences in this cause, and that the depositions, returned with the said commission, may be read in evidence at the trial hereof; and it is granted him. Leave to issue commission to New Orleans on the part of the plaintiff.

Thereupon, further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties, and their attorneys aforesaid, and by order of the court here thereon, is further continued until the eighth day of November next. Continuance.

At which said first day of November, in the year of our Lord one thousand eight hundred and thirty-one, come again into the said circuit court here, as well the said James F. Hull, by Nathaniel Williams and JohnGlenn, his attorneys, as the said Charlotte D. Owings and Frances T. D. Taylor, by their attorneys aforesaid.

Thereupon, the said James F. Hull, by his attorneys aforesaid, declared anew against the said Charlotte D. Owings and Frances T. D. Taylor in the plea aforesaid, in manner and form, and of the tenor following, to wit:

Circuit Court of the United States for the Fourth Circuit in and for the District of Maryland. Amended declaration.

District of Maryland, ss.

Charlotte Deye Owings and Frances Thwaite Deye Taylor, citizens of the State of Maryland, late of said district, gentlewomen, were attached to answer unto James F. Hull, a citizen of the State of Louisiana, in a plea of trespass on the case, &c.

And whereupon, the said James F. Hull, by Nathaniel Williams his attorney, complains, for that, whereas, the said Charlotte and Frances, the defendants in this cause, on the first day of October, in the year eighteen hundred and twenty-eight, to wit, at the district aforesaid, were indebted to the said James F. Hull, the plaintiff in this cause, in the sum of three thousand dollars, for divers goods, wares, and merchandise, by the said plaintiff before that time sold and delivered to the said defendants, and at their special instance and request: And, also, in a like sum for money by the said plaintiff before that time lent and advanced to, and paid, laid out, and expended for the said defendants, and at their like special instance and request: And, also, in a like sum for other money by the said defendants before that time had and received to, and for the use of the said plaintiff; and being so indebted, the said defendants, in consideration thereof, afterwards, to wit, on the day and year aforesaid, at the district aforesaid, undertook, and then and there faithfully promised the said plaintiff to pay him the said several sums

of money in this count mentioned, when the said defendants should be thereunto afterwards requested.

2d count. And whereas, also, the said defendants, afterwards, to wit, on the day and year aforesaid, at the district aforesaid, accounted with the said plaintiff, of, and concerning divers other sums of money before that time due and owing from the said defendants to the said plaintiff, and then being in arrear and unpaid. And, upon such accounting, the said defendants were then and there found to be in arrear and indebted to the said plaintiff in another large sum of money, to wit, in the further sum of thirty hundred dollars; and, being so found in arrear and indebted, the said defendants, in consideration thereof, afterwards, to wit, on the day and year aforesaid, at the district aforesaid, undertook, and faithfully promised the said plaintiff to pay him the last mentioned sum of money, when the said defendants should be thereto afterwards requested.

3d count. And whereas, afterwards, to wit, on the day and year aforesaid, at New Orleans, to wit, at the district aforesaid, in consideration that the plaintiff, at the special instance and request of the defendants, would buy of them certain negro slaves, to wit, a negro woman named Sidera, and her three infant children, at and for a certain price or sum of money, to wit, the sum of eighteen hundred dollars, to be therefor paid by the said plaintiff, they, the said defendants, undertook, and then and there faithfully promised the said plaintiff that the said Sidera and her said three infant children were the slaves for life of the defendants, and that they had a right, and were competent legally to sell and dispose of the said Sidera and her three children. And the said plaintiff avers, that he, confiding in the said promise and undertaking of the said defendants, did afterwards, to wit, on the day and year aforesaid, at New Orleans, to wit, at the district aforesaid, buy the said Sidera and her three children, and then and there paid the defendants for the same the said sum of eighteen hundred dollars. Nevertheless, the said defendants, contriving and fraudulently intending to injure the plaintiff, did not perform or regard their said promises or undertaking so by them made as aforesaid, but thereby craftily and subtly deceived and defrauded the said plaintiff in this, to wit, that the said slaves, named Sidera, and her children, were, and each of them was, at the time of making the said promises and undertaking of the defendants, not the slaves of the said defendants, and they had no right, and were not competent legally to sell or dispose of the said slaves, nor of either of them; but, on the contrary, the said Sidera and her three children were, and each of them was, the property of Colghate Donaldson, Juliana Catharine Vanpradelles, Charcilla Cassandra Vanpradelles, Charlotte Vanpradelles, Frances Vanpradelles, Mary Penelope Vanpradelles, Albert Gallatin Vanpradelles, whereby the said Sidera and her three children became and were of no use and value to the said plaintiff; and he, the said plaintiff, hath been put to great charges and expenses of his moneys in and about the defending of the title and claim of the plaintiff in and to the said Sidera and her three children, derived as aforesaid under and from the said defendants, in the whole amounting to a large sum of money, to wit, the sum of three thousand dollars, to wit, at the district aforesaid.

Nevertheless, the said defendants, not regarding their said promises and undertakings, have not, nor has either of them, yet paid the aforesaid several sums of money, or either of them, or any part of either of them, to the said plaintiff, (although so to do the said defendants were requested by the said plaintiff, afterwards, to wit, on the day and year

aforesaid, and often afterwards at the district aforesaid,) but to pay the same the said defendants have hitherto altogether refused, and do still refuse so to do, to the damage of the said plaintiff five thousand dollars; and thereupon he brings suit, &c.

NATH'L WILLIAMS,
Plaintiff's Attorney.

And thereupon, on motion of the said James F. Hull, by his attorney aforesaid, it is ruled by the court here, that the said Charlotte D. Owings and Frances T. D. Taylor answer to the declaration last aforesaid of the said James F. Hull, in the plea aforesaid, or judgment by the court here will be entered against them in default thereof. Rule—Plea.

And the said Charlotte D. Owings and Frances T. D. Taylor, by their attorneys aforesaid, defend the force and injury, when, and so forth, and say that they did not assume upon themselves in manner and form as the aforesaid James F. Hull last above against them hath complained; and of this they put themselves upon the country, and the said James F. Hull in like manner, &c. Plea, non-asst. and issue.

Therefore let a jury thereon appear before the court here thereon immediately, by whom, and so forth, and who neither, and so forth, to recognize, and so forth, because as well, and so forth.

Whereupon, for trying the issue aforesaid, it is ordered by the court here that twenty persons from the pannel of petit jurors returned to the court here by the marshal of the district of Maryland aforesaid, be drawn by ballot. And thereupon, the twenty persons being so drawn by ballot, and written upon two lists, one of which said lists is delivered to the counsel for the respective parties, and the counsel for each of the said parties having stricken out four persons from the said lists, the remaining twelve persons being called, come, to wit:

Robert Miller, Thomas Hutchins, George Hayne, Isaac G. Roberts, James McLanahan, Jacob W. Giles, William S. Winder, Wm. P. Stewart, Nicholas Snyder, John T. Randall, Samuel Keerl, Robert Gover, who, being empannelled and sworn to say the truth in the premises, upon their oath do say that the said Charlotte D. Owings and Frances T. D. Taylor did assume upon themselves, in manner and form as the aforesaid James F. Hull within against them last aforesaid hath complained, and they assess the damages of the said James F. Hull, sustained by occasion of the non performance of the promises and assumptions aforesaid, to the sum of two thousand six hundred and thirty-six dollars and ninety-seven cents current money. Jury. Verdict.

Therefore, it is considered by the court here that the aforesaid James F. Hull recover against the said Charlotte D. Owings and Frances T. D. Taylor, as well the sum of two thousand six hundred and thirty-six dollars and ninety-seven cents current money, his damages aforesaid, by the jurors aforesaid, in form aforesaid assessed, to be sustained by occasion of the non-performance of the promises and assumptions aforesaid, as the sum of
by the court here unto him the said James F. Hull, on his assent adjudged, for his costs and charges by him about his suit in this behalf laid out and expended. And the said Charlotte D. Owings and Frances T. D. Taylor, in mercy, &c. Judgment on the verdict.

Memorandum—Judgment rendered in this cause, on this eighth day of November, in the year of our Lord one thousand eight hundred and thirty-

one, for the damages laid in the declaration and costs of suit. The said damages to be released on payment of the sum of two thousand six hundred and thirty-six dollars and ninety-seven cents, with the interest from the eighth day of November, eighteen hundred and thirty-one, till paid, and costs of suit.

Memorandum.—Before the jurors aforesaid withdrew from the bar of the court here, the said Charlotte D. Owings and Frances T. D. Taylor, by their attorneys aforesaid, tendered to the court here the following bills of exception; which were by the court here signed and sealed, and which are in form following, to wit:

Def dants' 1st. exception.

JAMES F. HULL, *vs.* CHARLOTTE D. OWINGS, FRANCES T. D. TAYLOR. } *Circuit Court of the United States for the Fourth Circuit, in and for the Maryland District.*

November Term, 1831.

The plaintiff, to support the issue on his part, offered to read in evidence to the jury the following commission, depositions, and return, including exhibit marked P.

THE UNITED STATES OF AMERICA, *District of Maryland*, } *sct.*

To Levi Pierce and John Slidell, esquires, of the city of New Orleans, greeting:

[SEAL.]

1st. commission on the part of the plaintiff.

Be it known, that you are appointed commissioners to examine evidences in a cause now depending in circuit court of the United States for the fourth circuit in and for the Maryland district, between James F. Hull, plaintiff, and Charlotte D. Owings and Frances T. D. Taylor, defendants.

Therefore, you, or either of you, are requested, having first taken the oath hereunto annexed, and also administered the annexed oath to the person whom you shall appoint as clerk to attend the execution of this commission, that, at such time and place as to you, or either of you, shall seem convenient, you cause to come before you, or either of you, all such evidences as shall be named or produced to you, or either of you, by either the plaintiff or defendants; and that you, or either of you, examine them upon their corporal oaths, to be by you, or either of you, administered upon the Holy Evangely of Almighty God, touching their knowledge or remembrance of any thing that may relate to the cause aforesaid, and having reduced the depositions of the witnesses so taken by you, or either of you, into writing, you send the same, with this commission closed, under your, or either of your hands and seals, to the said circuit court, with all convenient speed.

Witness, the honorable John Marshall, Chief Justice of our Supreme Court, the third day of August, in the year of our Lord eighteen hundred and twenty-nine.

N. W. Issued 12th October, 1829.

PHILIP MOORE, *Clk. Ct. Ct.*

Commissioners' Oath.

You shall, according to the best of your skill and knowledge, truly, faithfully, and without partiality to any or either of the parties, take the examinations and depositions of all and every witness and witnesses produced and examined by virtue of the commission hereunto annexed, upon the interrogatories now, or which may hereafter, before the said commission is closed, be produced to, and left with you by either party. So help you God.

(Clerk's Oath.)

You shall truly, faithfully, and without partiality to any or either of the parties in this cause, take, write down, and transcribe, the depositions of all and every the witness and witnesses produced before and examined by the commissioners, or either of them, named in the commission hereunto annexed, as far forth as you are directed and employed by the said commissioners, or either of them, to take, write down, and transcribe, the said depositions, or any of them. So help you God.

CHARLES MAURIAN.

Sworn to, and subscribed before us, New Orleans, June 21, 1830.

JOHN SLIDELL, *Com'r.*
LEVI PIERCE, *Com'r.*

JAMES F. HULL, vs. CHARLOTTE D. OWINGS, FRANCES T. D. TAYLOR. — *Circuit Court U. S., Maryland District. Action on the Case.*

Interrogatories. Interrogatories to be administered to witnesses produced in this cause on the part of the plaintiff.

Interrogatory first. Do you or not know the parties in this cause, plaintiff and defendants? and how long have you known them, or either of them?

Interrogatory second. Have you, or have you not seen two original letters of attorney, one bearing date the 30th January, 1816, and the other bearing date the 28th September, 1816, made and executed by Charlotte D Owings and Frances T. D. Owings, (now Taylor,) to and in favor of John K. West, styling themselves executrixes of Cassandra D. Van Pradelle, or otherwise? Do you know what has become of the said original letters of attorney; or, so far as you know, are such originals lost?

Interrogatory third. If you possess or can procure the original letters of attorney as aforesaid, annex them to your answers to these interrogatories; or, if you have not the said originals, state the contents of them, and annex copies of them to these answers.

Interrogatory fourth. Do you or not know whether the said John K. West acted under the aforesaid powers of attorney, or either of them? If yea, in what respects did he so act?

Interrogatory fifth. Do you or do you not know of the said West's having sold to the plaintiff sundry slaves, part of the estate of the aforesaid Van Pradelle? If yea, state the particulars of the said slaves, their sexes, names, &c.; annex a copy, under seal, of the sale before the notary public.

Interrogatory sixth. Do you or not know of the aforesaid slaves, or of any of them, and their offspring, and wages therefor, having been recover-

ed by suit from the plaintiff, by the heirs or children of the said Van Pradelle, or by any other person or persons?

Interrogatory seventh. Do you or not know of the plaintiff having delivered over, pursuant to an order of court, or otherwise, the aforesaid slaves, or any of them, or their offspring, and wages therefor, and how much, to the said heirs or children, or to their agent or attorney, or to any other person or persons?

Interrogatory eighth. Do you or not know of the plaintiff's having paid certain legal costs, and how much, incurred in defending, or as failing in a suit instituted for the recovery back of the said slaves, their offspring, and wages? State the amount of such costs, and any other particulars relative thereto, and annex such statement to your answer.

Interrogatory ninth. Do you know any other matter or thing material or useful for the plaintiff in this cause? If yea, state the same as particularly as if you were specially interrogated thereto

NATHANIEL WILLIAMS,
Att'y for Plaintiff.

JAMES F. HULL, vs. CHARLOTTE D. OWINGS, FRANCES T. D. TAYLOR, } *In the Circuit Court of the United States, Maryland District. Action on the Case.*

Depositions of witnesses produced on the part of the plaintiff in the above case of James F Hull vs. Charlotte D. Owings and Frances T. D. Taylor, before us, Levi Pierce and John Slidell, of the city of New Orleans, taken in the said city of New Orleans, State of Louisiana, on the 28th day of June, 1830, between the hours of 10 o'clock A. M., and 5 o'clock P. M., by virtue of the annexed commission from the circuit court of the United States, for the fourth circuit in and for the Maryland district issuing, authorizing us to take the answers of witnesses to interrogatories annexed, and herewith accompanying, to be read in evidence in the before recited cause, in the said court now depending.

Deposition of J. W. Zacharie.

J. W. Zacharie, being produced on the part of the plaintiff, and first duly cautioned and sworn upon the Holy Evangely of Almighty God, the truth, the whole truth, and nothing but the truth, to tell, touching his knowledge or remembrance of any thing that may relate to the above recited cause, deposes and says:

1st. *To the first interrogatory*, he answers and says that he knows the plaintiff.

2d. *To the second interrogatory*, he answers and says that he knows nothing of the matters herein asked.

3d. *To the third interrogatory*, he answers and says that he neither possesses, nor can procure, the documents herein mentioned.

4th. *To the fourth interrogatory*, he answers and says that he knows nothing of the matters herein asked.

5th. *To the fifth interrogatory*, he answers and says that he knows nothing of the matters herein asked.

6th *To the sixth interrogatory*, he answers and says that he has heard so, and knows nothing more than is contained in the judgment of the supreme court.

7th. *To the seventh interrogatory*, he answers and says that the deponent's receipt, just preceding Mr. McCaleb's, in paper 1', annexed hereto,

explains all that he knows herein. The slaves, Sidera, Josephine, Lyndy, Charles, Thomas, Jonathan, and Elijah, were delivered by the plaintiff to this deponent, as the attorney of Mrs. Donaldson, and in pursuance of the judgment of the supreme court of the State, being in the same paper marked P. L. P.

8th. *To the eighth interrogatory*, he answers and says that he knows nothing of the matters herein asked.

9th. *To the ninth interrogatory*, he answers and says that he knows nothing of the matters herein asked.

J. W. ZACHARIE.

JNO. SLIDELL, *Com'r.*
L. PIERCE, *Com'r.*

Deposition of Thos. S. Kennedy.

Thomas S. Kennedy, being produced on the part of the plaintiff, and duly cautioned and sworn upon the Holy Evangely of Almighty God, the truth, the whole truth, and nothing but the truth, to tell, touching his knowledge or remembrance of any thing that may relate to the above recited cause, deposes and says:

1st. *To the first interrogatory*, he answers and says that he knows the plaintiff—does not know the defendant.

2d. *To the second interrogatory*, he answers and says that he has no recollection of the matters herein inquired of.

3d. *To the third interrogatory*, he answers and says that he cannot forward the original letters of attorney; they are not in his possession.

4th. *To the fourth interrogatory*, he answers and says that he knows nothing of the matters herein asked.

5th. *To the fifth interrogatory*, he answers and says that he knows nothing of the matters herein asked.

6th. *To the sixth interrogatory*, he answers and says that he knows what is contained in the judgment of the supreme court marked M, p. 40, in paper P.

7th. *To the seventh interrogatory*, he answers and says that he knows nothing of the matters herein asked.

8th. *To the eighth interrrogatory*, he answers and says that he knows that plaintiff paid costs of court of which witness is clerk, in defending a suit as asked, to wit, in the parish court for the city and parish of New Orleans. Witness gave a receipt, a certificate of which is in paper marked P, and the proceedings in the suit marked P.

9th. *To the ninth interrogatory*, he answers and says that he knows nothing of the matters herein asked.

THO. S. KENNEDY.

JNO. SLIDELL, *Com'r.*
L. PIERCE, *Com'r.*

Deposition of N. B. Le Breton.

N. B. Le Breton, being produced on the part of the plaintiff, and duly cautioned and sworn upon the Holy Evangely of Almighty God, the truth, the whole truth, and nothing but the truth, to tell, touching his knowledge or remembrance of any thing that may relate to the above recited cause, deposes and says:

1st. *To the first interrogatory*, he answers and says that he knows the plaintiff, but does not know the defendants.

2d. *To the second interrogatory*, he answers and says that he knows nothing of the matters herein asked.

3d. *To the third interrogatory*, he answers and says that he knows nothing of the matters herein asked.

4th. *To the fourth interrogatory*, he answers and says that he knows nothing of the matters herein asked.

5th. *To the fifth interrogatory*, he answers and says that he knows nothing of the matters herein asked.

6th. *To the sixth interrogatory*, he answers and says that there was a judgment of the supreme court of the State on the matters inquired of, and refers to a copy of said judgment marked P, page 40, 41, 42. L. Pierce.

7th. *To the seventh interrogatory*, he answers and says that he knows nothing of the matters herein asked

8th. *To the eighth interrogatory*, he answers and says that he knows the plaintiff paid him $21 50, legal costs in the supreme court—witness being clerk thereof.

9th. *To the ninth interrogatory*, he answers and says that he knows nothing of the matters herein asked.

N. B. LE BRETON.

JNO. SLIDELL, *Com'r.*
L. PIERCE, *Com'r.*

Deposition of G. R. Stringer.

G. R. Stringer, being produced on the part of the plaintiff, and duly cautioned and sworn upon the Holy Evangely of Almighty God, the truth, the whole truth, and nothing but the truth, to tell, touching his knowledge or remembrance of any thing that may relate to the above recited cause, deposes and says:

1st. *To the first interrogatory*, he answers and says that he knows the plaintiff, but does not know the defendants.

2d. *To the second interrogatory*, he answers and says that he knows nothing of the matters herein asked.

3d. *To the third interrogatory*, he answers and says that he neither possesses nor can procure the original letters of attorney herein mentioned.

4th. *To the fourth interrogatory*, he answers and says that he knows nothing of the matters herein asked.

5th. *To the fifth interrogatory*, he answers and says that all he knows of the matters herein asked, is, that he is the successor of John Lynd, deceased, formerly notary public of this city of New Orleans, and that, among the records of the office, is an act, a copy full and perfect of which is hereunto annexed, marked H, p. 18.

6th. *To the sixth interrogatory*, he answers and says that he knows nothing of the matters herein asked.

7th. *To the seventh interrogatory*, he answers and says that he knows nothing of the matters herein asked.

8th. *To the eighth interrogatory*, he answers and says that he knows nothing of the matters herein asked.

9th. *To the ninth interrogatory*, he answers and says that he knows nothing of the matters herein asked.

G. R. STRINGER.

JNO. SLIDELL, *Com'r.*
LEVI PIERCE, *Com'r.*

Deposition of Martin Blache.

Martin Blache, being produced on the part of the plaintiff, and first duly cautioned and sworn upon the Holy Evangely of Almighty God, the truth, the whole truth, and nothing but the truth, to tell, touching his knowledge and remembrance of any thing that may relate to the above recited cause, deposes and says:

1st. *To the first interrogatory*, he answers and says that he knows the plaintiff, but does not know the defendants.

2d. *To the second interrogatory*, he answers and says that the original letters, referred to in this interrogatory, was on file in the court of probates, for the city and parish of New Orleans, to which court witness is clerk and register. True, full, and perfect copy is hereto annexed, in a paper marked P, p. 22, 23, certified by witness, and annexed to the execution of this commission. The other paper is a will found in page 20 and 21 of paper marked P, annexed.

3d. *To the third interrogatory*, he answers and says he cannot send the originals, but they are truly copied in the paper marked P. It is useless for him to state the contents.

4th. *To the fourth interrogatory*, he answers and says that all he knows appears in the paper marked P. John K. West undertook to act as attorney of the executrixes, judging from his affirmation, and the paper called letters testamentary which was given to him.

5th. &c. *To the fifth, sixth, seventh, eighth, and ninth interrogatories*, he answers and says that he knows nothing of the matters herein asked.

MARTIN BLACHE.

J. SLIDELL, *Com'r.*
LEVI PIERCE, *Com'r.*

Deposition of Nathan Morse.

Nathan Morse, being produced on the part of the plaintiff, and duly cautioned and sworn upon the Holy Evangely of Almighty God, the truth, the whole truth, and nothing but the truth to tell, touching his knowledge or remembrance of any thing that may relate to the above recited cause, deposes and says:

1st. *To the first interrogatory*, he answers and says that he knows the plaintiff, but does not know the defendants, (except Charlotte D. Owings,) L. Pierce.

2d. *To the second interrogatory*, he answers and says that he has seen the original letters of attorney in said interrogatory mentioned, and that they are in the court of probates of the city and parish of New Orleans.

3d. *To the third interogatory*, he answers and says that he does not possess, and cannot procure the said original letters of attorney; and deems it unnecessary to state their contents, as certified copies are presented to him, and which he believes to be correct, and are to be annexed to the return of this commission, and are marked (O, in paper P, page 22 and 23.) L Pierce.

4th. *To the fourth interrogatory*, he answers and says that he supposes he acted under them, when he sold the slaves mentioned in the bill of sale marked H. (p. 18. L. Pierce.)

5th. *To the fifth interrogatory*, he answers and says that all he knows appears in the act of sale marked H, before referred to. (L. Pierce.)

6th. *To the sixth interrogatory*, he answers and says that C. D. Donaldson et al., [L. P.] recovered of James F. Hull, *Sidera, Josephine, Charles, Linda, Thomas, Jonathan*, and *Elijah*, slaves, the five first purchased of Ch. K West, by the plaintiff, acting as attorney of Charlotte D. Owings and Frances T. D. Owings, executrixes of Cassandra O. Van Pradelles, deceased, the latter children of Sidera. Copy of the proceedings is annexed, marked P; and that $445 $\frac{44}{100}$ as wages, were recovered by suit from the plaintiff by the heirs of Mrs. Van Pradelles, as appears by the receipt of Thomas F. McCaleb, the attorney of the heirs.

7th. *To the seventh interrogatory*, he answers and says that he knows that the plaintiff delivered all the above named slaves, and $445\frac{43}{100}$ to the agent and attorney of said heirs.

8th. *To the eighth interrogatory*, he answers and says that the plaintiff paid to the clerk of the supreme court $21 50; to the clerk of the parish court $93 68¾; [L. P. com'r ;] and $30 [L. P. com'r.] to the sheriff of the parish of Orleans, for costs incurred in defending a suit instituted for the recovery of the said slaves, and their wages.

9th. *To the ninth interrogatory*, he answers and says that he knows nothing further.

NATHAN MORSE.

JNO. SLIDELL, *Com'r.*
LEVI PIERCE, *Com'r.*

Deposition of T. F. McCaleb.

T. F. Caleb, being produced on the part of the plaintiff, and duly cautioned and sworn upon the Holy Evangelv of Almighty God, the truth, the whole truth, and nothing but the truth, to tell, touching his knowledge or remembrance of any thing that may relate to the above recited cause, deposes and says:

1st. *To the first interrogatory*, he answers and says that he knows the plaintiff, and does not know the defendants.

2d. *To the second interrogatory*, he answers and says that he is not certain; if such letters were offered in evidence in the suit of Donaldson and others vs. Hull, in the parish court of New Orleans, he must have seen them. If such were not offered, he presumes he has never seen them. He knows nothing about their being lost.

3d. *To the third interrogatory*, he answers and says that he does not recollect the contents, if he ever saw them.

4th. *To the fourth interrogatory*, he answers and says that the act by which West sold, recites in what character he pretended to have acted.

5th. *To the fifth interrogatory*, he answers and says that the notarial act will show.

6th. *To the sixth interrogatory*, he answers and says that the opinion of the parish and supreme courts, in the case of Donaldson and others vs. Hull, annexed, and marked in record P and M, will show what was received.

7th. *To the seventh interrogatory*, he answers and says that Zacharie's receipt will show, except as regards girl *Linda*, which was afterwards received by Mrs. Donaldson.

8th. *To the eighth interrogatory*, he answers and says that the receipts will show plaintiff paid witness, on the 1st July, 1828, $445\frac{43}{100}$, as per his receipt marked S. (L. Pierce, com'r.)

9th. *To the ninth interrogatory*, he answers and says that he knows nothing further.

THOS. F. McCALEB.

JNO. SLIDELL, *Com'r.*
LEVI PIERCE, *Com'r.*

Commissioners' certificate.

We certify that the foregoing depositions were taken in our presence, and written by Charles Maurian, our clerk, or by Levi Pierce, one of the commissioners; said clerk having been duly sworn; and that the references are all added, and signed by the said clerk or the said commissioner, as dictated by the witnesses.

LEVI PIERCE.
JNO. SLIDELL.

June 28, *New Orleans*, 1830.

Ehibit P, referred to in the foregoing depositions.

Petition filed February 22, 1826.

To the honorable James Pilot, Judge of the Parish Court in and for the City and Parish of New Orleans. Petition.

The petition of Colghate Donaldson, widow of Donaldson, deceased. Juliana Catharine, Charcilla Cassandra, Charlotte Frances, Mary Penelope, and Albert Gallatin Vanpradelles, all resident in and near Baltimore, in the State of Maryland, respectively shows, that, on the 26th day of April, 1824, they filed their petition in the honorable court of probates in and for the parish of New Orleans, wherein they alleged themselves the lawful children and presumptive heirs of Cassandra Deve Vanpradelles, a widow, who left New Orleans in the month of August, 1813, on board a vessel bound to Buford, in North Carolina, since which time she had not been heard of, and praying to be put into provisional possession of the estate of their said mother, according to law; that, after due proceedings had, the said probate court has decreed that your petitioners were entitled to the provisional possession of the estate of their said mother as prayed for, and the said decree of the said probate court has been duly confirmed by the supreme court of the State; all of which will appear from the records of the said court of probates, and the decrees aforesaid.

And your petitioners further show that, at the time their said mother departed from New Orleans, she was the legal owner and proprietor of considerable property, consisting, among other things, of a number of slaves, viz., one negro man named Bonaparte, one negro woman named Sidera, together with her three children, Linda, Josephine, and Charles, which said negroes the said C. D. Vanpradelles had long owned and possessed, and continued to own and possess at the time of her departure aforesaid. And your petitioners further aver that the said negro woman Sidera, with her children Linda, Josephine, and Charles, together with two others born since the departure of the mother of your petitioners, named Jonathan and Thomas, are in the possession of James F. Hull, a resident of New Orleans, and the negro man named Bonaparte is in the possession of Kenny Laverty, also a resident of the city of New Orleans, all which persons, so possessing and holding the property stated as aforesaid, pretend that the same belongs to them respectively, and, under void and illegal titles, refuse to deliver the same up to your petitioners as entitled to receive the provisional possession of the same. Wherefore, your petitioners pray that the said James F. Hull and Kenny Laverty may be cited to answer herein, and, after due proceedings had, that judgment may be rendered in favor of your petitioners, that the defendants may be respectively decreed to deliver up the property in their possession, and to pay the hire of the same for the time they have so illegally possessed the same, together with damages, interest, and costs. And your petitioners, Charcilla Cassandra, Charlotte Frances, Mary Penelope, and Albert Gallatin Vanpradelles, represent that they are minors above the age of puberty, and unrepresented legally in State, wherefore, they pray that a curator ad letes be specially appointed to aid them herein. Further, the petitioners pray all other relief which the justice and equity of their case shall require.

(Signed,) McCALEB & BYRNES,
For Petitioners.

Judge's Order.

Judge's Order. Let Stephen Mazureau, esquire, be appointed curator ad letes to represent the minor plaintiffs, as herein prayed for.

(Signed,) JAMES PILOT, *Judge.*

New Orleans, February 22, 1826.

Citation.

Citation. Messrs. J. F. Hull and Ky Laverty, both of the parish of New Orleans, you are hereby summoned to comply with the prayer of the annexed petition, or to file your answer thereto in writing with the clerk of the parish court for the parish and city of New Orleans, within ten days from the service hereof, and, if you fail herein, judgment will be given against you by default. Witness, the honorable James Pilot, judge of the said court, at the city of New Orleans, this 2d day of February, 1826.

(Signed,) J. OLIE, *Dep. Clk.*

Sheriff's Return.

Sheriff's return. Received, February 23d, Thursday at 10 o'clock A. M., and served on the same day, copy of petition and citation in the French and English languages on Kenny Laverty, and served on the same day copy of petition and citation in the French and English languages on James F. Hull, esquire.

Returned February 24, 1826.

(Signed,) J. H. HOLLAND, *D'y Sheriff.*

Answer filed April 1, 1826.

Parish Court for the Parish and City of New Orleans.

Answer of Kenny Laverty. The answer of Kenny Laverty to the petition of C. D. Donaldson and others, shows that he denies all the allegations in said petition set forth, except what is herein admitted.

That he purchased the negro Bonaparte from William T. Thomas, curator to the estate of Cassandra D. Vanpradelles, through John K. West, as agent for said Thomas, by virtue of a good and legal act of sale by virtue of the honorable court of probates for said parish, which bill of sale is now enregistered in the office of F. De Armas, not. pub., dated 5th September, 1814; that he purchased the said slave for a valuable consideration, which the heirs have received, the sale of which they ratified, and has owned and possessed said slave, by virtue of a just title, and in good faith, for more than ten years; wherefore he pleads prescription. That, should this honorable court declare said sale null, this respondent prays that petitioners be decreed to refund and repay your petitioner the price paid for him as expressed in said bill of sale, and by them received as aforesaid, with interest. Wherefore, he prays that his title may be declared good, valid, and just; that this suit may be dismissed at plaintiffs' costs, and this cause tried by a jury.

(Signed,) CARLETON & LOCKETT.

Rule of Reference filed August 12, 1826.

C. D. DONALDSON and others,
vs.
JAMES F. HULL.

On motion of McCaleb, attorney for plaintiffs, and with consent of N. Morse, esquire, of counsel for defendant, on suggesting to the court the desire of the parties to settle the matters in controversy by arbitration, it is ordered that , be appointed as arbitrators in the premises, with full power to take into their consideration all the matters and things involved in said suit, and their decree to give as *amicable compounders*. Should the said amicable compounders not be able to agree, they are to have power to choose an umpire, and their decree to be the judgment of the court. Rule of reference.

Parish Court for the Parish and City of New Orleans, November 24, 1826.

Present: The honorable James Pilot.

C. D. DONALDSON et al.
vs.
J. F. HULL and
KENNY LAVERTY.

Upon motion of Mr. McCaleb, of counsel for the plaintiff, and with consent of Mr. Lockett, of counsel for Kenny Laverty, it is ordered by the court that the jury be waived in this case, and the cause placed upon the court docket, to be tried when Mr. Carleton shall be able to attend. Order of court.

Agreement filed March 1, 1827, *by Plaintiff's Counsel.*

C. D. DONALDSON et al.
vs.
KENNY LAVERTY. *Parish Court, New Orleans.*

It is agreed that the above cause may be discontinued at the costs of the defendant Agreement.

New Orleans, February 28, 1827.

(Signed,) KENNY LAVERTY.

Judgment of Discontinuance. Parish Court for the Parish and City of New Orleans, March 1, 1827.

C. D. DONALDSON and others,
vs.
J. F. HULL and
KENNY LAVERTY.

Upon motion of Thomas F. McCaleb, esquire, of counsel for the plaintiffs, and upon reading and filing a consent in writing of the defendant Kenny Laverty, it is ordered by the Discontinuance as to Kenny Laverty.

court that a judgment of discontinuance be entered as respects the said defendant Kenny Laverty, he, the said Kenny Laverty, agreeing to pay the costs.

Answer of James F. Hull, filed December 7, 1827.

JAMES F. HULL, ads'm
C. D. DONALDSON and others.

Answer of J. F. Hull.

The defendant, for answer, says that he admits he is in possession of the several slaves as set forth in the plaintiff's petition, but avers that he is the legal bona fide owner and proprietor thereof, having purchased them of Charlotte Deye Owings and Frances Thwaite Deye Owings, executrixes of Cassandra Deye Vanpradelles, deceased, duly represented by their agent John K. West, of the city of New Orleans, by a notarial act of sale before John Lynd, esquire, notary public, dated the 27th day of August, 1817, as by a certified copy of said act will more fully appear; that this respondent paid for said slave and her children Linda, Josephine, and Charles, the sum of one thousand eight hundred dollars; that he has had peaceable and undisturbed possession of said slaves from the day of said sale, and has been at the trouble and expense of raising said children, together with two other children of said Sidera born since the sale aforesaid; that the venders of your respondent are the maternal aunts of the present plaintiffs, and the executrixes of their deceased mother in which capacity they made the sale, and received the purchase money, except the sum of dollars, which was received by Mrs. Colegate Deye Donaldson, the eldest sister, and one of the plaintiffs in this suit; that the sale aforesaid was made with the knowledge and approbation of the plaintiffs, and who, so far from disapproving the same, have ratified it by a receipt of a part of the purchase money; that the said executors are colluding with the plaintiffs in this suit, and, particularly, the said Colegate Deye Donaldson, for the purpose of deceiving and defrauding this respondent: Wherefore, he prays the judgment of this court that he may be quieted in the possession and title of said slaves, together with costs of suit, and that he have a trial by jury. And this respondent further prays, that the aforesaid Charlotte Deye Owings and Frances Thwaite Deye Owings, executrixes aforesaid, and venders to your respondent, may be cited in guarantee to defend your respondent's title, and that judgment be entered against them individually, and in their own private rights, in case the sale aforesaid shall be annulled, for the amount of said purchase money, together with interest; and all such damages and costs as your respondent shall or may sustain by reason thereof, or by the judgment of this court.

(Signed,) N. MORSE, *Counsel for Def't.*

Parish Court for the Parish and City of New Orleans, December 14, 1827.

Present: The honorable James Pilot.

Order.

C. D. DONALDSON and others,
vs.
JAMES F HULL.

Order of court setting aside

Upon motion of Thomas F. McCaleb, esquire, of counsel for the plaintiffs, and, *and* with consent of N. Morse, esquire, of

415

counsel for the defendant, it is ordered by the court that the rule of reference entered in this case on the 12th day of August, 1826, be set aside and discharged. the rule of reference.

THE SAME,
vs.
THE SAME.

Upon motion of Thomas F. McCaleb, esquire, of counsel for the plaintiffs, and with consent of N. Morse, esquire, of counsel for the defendant, and who prayed for a jury in this case, it is ordered by the court that said prayer for a jury be stricken from the said defendant's answer, and that the cause be tried by the court. Order of the court refusing the prayer for a trial by jury.

Deposition of L. S. Parmley, filed Dec'r 24, 1827.

C. D. DONALDSON and others,
vs.
JAMES F. HULL.

L. S. Parmley, a witness on behalf of the plaintiffs, says that, in the year 1825, he hired the negro girl Josephine (a mulatress) from the defendant, James F. Hull, for one month and a half, for which he paid the defendant at the rate of $12 per month. Josephine, at that time, might be considered as grown. Deposition of L. S. Parmley.

(Signed,) L. S. PARMLEY.

Sworn and subscribed before me, this 24th December, 1827.

(Signed,) THOS. S. KENNEDY, *Clerk.*

I have no questions to ask, and agree that this deposition be filed to be read on the trial. (Signed,) N. MORSE.

Deposition of E. Fisk, filed December 24th, 1827.

C. D. DONALDSON and others,
vs
JAMES F. HULL.

Eben Fisk, a witness for plaintiffs, says that he had the mulatress Josephine, on hire about six months, in the year 1822 or 1823, and that he paid the defendant at the rate of ten dollars per month for said hire, as well as he now recollects. Deposition of Eben Fisk.

(Signed,) EBEN FISK.

Sworn to, and subscribed before me, this 24th December, 1827.

(Signed.) THOS. S. KENNEDY, *Clerk.*

I have no questions to ask, and agree that this deposition be filed to be read in the trial.

(Signed,) N. MORSE.

Parish Court for the Parish and City of New Orleans, January 28th, 1828.

Present: The honorable James Pilot.

JAMES F. HULL,
vs.
C. D. DONALDSON and others,

Upon motion of N. Morse, esq. of counsel for the defendants, it is ordered by the court that Samuel B. Bennett do Order of court to bring in the

books and papers of J. K. West and others

bring with him to court, on the 30th instant, the day on which this cause is fixed for trial, the books of John K. West, or West and Duplisses, containing the correspondence between John K. West and the executors or heirs of Mrs. Vanpradelles, or their agent, from the year 1815, to the year 1822, inclusive, together with all the original letters and papers in his possession, in relation to the sale of sundry slaves sold by John K. West to James F. Hull.

Deposition of Colles, filed January 30th, 1828.

C. D. DONALDSON and others, *vs.* JAMES F. HULL, } *Parish Court.*

Deposition of J. Colles.

James Colles, a witness for the plaintiffs, states that he hired the mulatress, Josephine, from the defendant, James F. Hull, for about four or five months; that said girl left deponent's service a few days past. He paid for her services at the rate of ten dollars per month.

(Signed,) JAMES COLLES.

New Orleans, January 29th, 1828.

This statement admitted, New Orleans, January 30th, 1828.

(Signed,) N. MORSE.

Deposition of J. B. Byrne, filed January 30th, 1828.

C. D. DONALDSON and others, *vs.* JAMES F. HULL. }

Deposition of J. B. Byrne.

John B. Byrne, a witness for plaintiffs, says, that he hired the mulatress Josephine, from the defendant, for about seven months in the year 1826, and paid at the rate of ten dollars per month for said hire.

(Signed,) JNO. B. BYRNE.

This statement admitted, January 30th, 1828.

(Signed,) N. MORSE.

Statement of Documents filed by the parties, January 30th, 1828.

C. D. DONALDSON and others, *vs.* JAMES F HULL. } *Parish Court, New Orleans, January 30th,* 1828.

Statement of documents filed by the parties.

The defendant introduced the letters of John K. West to Hull; and Hull's answer of 4th February, 1827, to West, was then introduced by plaintiffs' counsel; the signature of each being admitted, marked A and B. Defendant then introduced two letters, admitted to be signed by George Winchester, marked C and D, the first dated 13 November, 1816, and the 2d dated 14 July, 1817. Defendant then introduced a paper, purporting to be a power of attorney, dated 27th May, 1817, and marked E; also a power of attorney, dated 27th May, 1817, and marked F; also a paper, purporting to be a power of attorney, dated 27th May, 1817, marked G; also a paper, pur-

porting to be a sale from John K. West to J. F. Hull, dated 27th August, 1817, marked H. The plaintiffs' attorney agrees to the introduction of the foregoing documents as having been executed, as they purport to be on their face, by the parties respectively; but reserving all rights to except both in the parish and supreme courts to the legal admissibility of such testimony in the present suit.

(Signed,) T. F. McCALEB, *Att'y for Pl'tiffs.*
(Signed,) N. MORSE.

The plaintiffs introduced the record from the court of probates of New Orleans, number , being a suit of C. D Donaldson and others vs. Dorsey Hull and others, for provisional possession of the estate of C. D. Vanpradelles, and which suit was commenced in the said court of probates on the 26th of April, 1824; also, the record of a suit in the parish court, number 3695, of C. D. Donaldson and others vs. Dorsey Hull and others, and which suit was instituted in the said parish court on the 30th July, 1823, and which suit was afterwards discontinued. The defendant introduced the record in the court of probates of the city of New Orleans, showing the proceedings had in relation to the will of the said C. D. Vanpradelles.

The defendant's counsel agrees that the plaintiffs' counsel may read in the parish and supreme courts, two depositions of James W. Zacharie, one filed in court of probates, 8th March, 1825, and the other filed in district court, 18th December, 1827.

Document A, filed January 30th, 1828.

New Orleans, February 24th, 1817.

MR. JAMES F. HULL.

Letter from J. K. West to J. F. Hull, dated Feb. 24, 1817.

SIR: I hereby agree to make sale of Sidera and her three children, belonging to the estate of the late Mrs. C. D. Vanpradelles, the first a girl of about eleven years, the next a girl of about seven, the other a boy of about eighteen months old, for eighteen hundred dollars, payable in your notes at six, twelve, eighteen and twenty four months, secured by mortgage on the property. This sale is made subject to the approval of the heirs of said estate; and, if approved by them, the terms of payment to commence from the 1st March next, and interest at 6 per cent. per annum allowed from that day. I wish to write the executors this day, and you will oblige me by your early reply.

Respectfully,
(Signed,) JOHN K. WEST,
Attorney in fact of the Executors of the late C. D. Vanpradelles.

Document B, filed January 30th, 1828.

Letter from J. F. Hull to J. K. West.

DEAR SIR: Being much hurried at present, I hope it will be sufficient to state, that I will take the negroes upon the terms agreed upon between us. I have not yet had an opportunity of seeing Mr. Duncan, but will as soon as possible. Deposite your power with Mr. Pollock.

(Signed,) JAMES F. HULL.

Document C, filed January 30th, 1828.

JOHN K. WEST, Esquire.

Letter from Geo. Winchester to J K. West 13th Nov., 1816.

SIR: At the request of Miss Owings of this place, I forwarded to you, a considerable time ago, a power of attorney, authorizing you in the fullest terms to act for them in the administration of the estate of the late Mrs. Vanpradelles.

Mr. Thomas informed me that this power had never come to hand, and then I drew another one, which was executed before a justice of the peace, which I suppose has been sent to you. I do not know whether the authentication is sufficiently formal. If it should not be, let me know how, and before whom it must be done according to your laws.

In answer to your note requiring specific instructions for the disposition of the estate, they have directed me to say:

1st. To institute such legal proceedings as may be necessary to effect a transfer of the title to the estate of Mrs. Vanpradelles, of the house and lot in New Orleans.

2d. When transferred, to sell the property upon the shortest credit on which a sale can be effected without a sacrifice, say 6, 12, and 18 months, with interest.

3d. The negroes to be sold on a credit of 3, and 6 months, with interest.

4th. To institute suits against all persons indebted to the estate without distinction

5th. If Mrs. Donaldson should make a demand for an equal proportion of her mother's estate, on the ground stated in your note, the executors do not wish you to throw any obstacles in the way; but, on the contrary, if they can legally do so, to give their consent to her receiving a child's proportion.

As you requested it, the above instructions are given to regulate you in the disposition of Mrs. Vanpradelles's estate. But it is the wish of the Miss Owings that you should consider yourself at liberty to exercise your own discretion as you may think best, under existing circumstances; and whenever you may think it most conducive to the interest of those concerned, to deviate from the above instructions.

The slave brought from New Orleans by Mrs. Donaldson, has been sent back in the Missouri, Capt. Hart, subject to your order.

In future, be kind enough to direct your letters on this subject to my care.

With respect, your obed't serv't,

(Signed.) GEO. WINCHESTER.

13 *November*, 1816, *Baltimore.*

Document D, filed January 30th, 1828.

Baltimore, 14 *July*, 1817.

Letter from Geo. Winchester to J K. West 14 July 1817.

DEAR SIR: I have received your favors of 17th and 28th February, with a copy of your letter to Mr. Hull, and his answer; also your letter's of 28th May, and 9th June.

I should have acknowledged your letters immediately, and forwarded the papers and documents required, but the difficulty of finding both the executors in one place at the same time, together with many other causes of delay, (trifling indeed,) but which I could not obviate, have hitherto prevented the proper attention to this subject.

The best apology I can make is to promise a greater regularity in future. Inclosed I send you a power from Miss Juliana, also from Miss F. D. Owings, guardian to three of the children. Some of the children have not had guardians appointed, although I have urged the necessity of it, and under an expectation that it would be done, have delayed writing to you. I hope it will be done in the course of this month, as the situation of the estate absolutely requires the appointment to be made.

If these powers should not be in form, you will please let me know, and I would suggest that it is advisable, whenever you require any documents, to direct the manner in which, by the laws of your State, it must be authenticated. The laws of the different States vary so much on this subject, that it very frequently occasions much trouble. Mrs. Donaldson informs me she has written to her attorney, and forwarded the necessary papers.

For your satisfaction, I forwarded also a copy of the power given to me by the Miss Owings.

The executors are perfectly satisfied with all you have done towards a settlement of the estate, and, relying confidently on your friendly exertions in this behalf, have only to add generally that whatever, under existing circumstances, may seem best in your judgment to be done with the estate, either real or personal, or with any part of it, they will approve and sanction. The claim set up by Mr. Dorsey, for commission and repairs, seems extraordinary; it certainly ought not to be allowed without investigation, and the mode you propose is certainly preferable to a suit.

With much respect, you obed't serv't,

(Signed.) GEO. WINCHESTER.

Document E, filed January 30th, 1828.

Charlotte Deye Owings and Francis Thwaite Deye Owings, executors of Cassandra Deye Vanpradelles, deceased. Power of Attorney to George Winchester.

Power of attorney from the Miss Owings to George Winchester, dated 27th May, 1828.

Know all men by these presents, that we, Charlotte Deye Owings and Frances Thwaite Deye Owings, of the city of Baltimore, executors of the last will and testament of Cassandra Deye Vanpradelles, late of the city of New Orleans, deceased have nominated, ordained, constituted and appointed, George Winchester, of the city of Baltimore, our true and lawful attorney, for us and in our names, and on our behalf, as executors of the said estate, to ask, demand, sue for, recover, and receive, and to take all lawful ways and means to recover the same, and to compound and agree for the same, and to give acquittances, receipts, and discharges for the same, and generally to do in the premises whatever might or could be lawfully done by us, or either of us, as executors of the said estate, and to appoint one or more attorneys under him for the purposes aforesaid, and again, at his pleasure to revoke, ratifying and confirming, and by these presents, allowing whatsoever our said attorney shall in our names lawfully do, or cause to be done in and about the premises, by virtue of these presents.

In witness whereof, the said Charlotte Deye Owings and Frances Thwaite Deye Owings have hereto set their hands and seals, this 27th day of May, eighteen hundred and seventeen.

CHARLOTTE D. OWINGS, [SEAL.]
FRANCES T. D. OWINGS, [SEAL.]

Signed, sealed, and delivered, in the presence of
PENELOPE D. PRICE.
JNO. GILL, *Not. Pub.*

UNITED STATES OF AMERICA, } *to wit:*
State of Maryland, }

Notarial certificate.

Be it known that, on this 27th day of May, one thousand eight hundred and seventeen, before me, John Gill, notary public, by letters patent under the great seal of the State of Maryland, commissioned and duly qualified, residing in the city of Baltimore, in the State aforesaid, personally appeared Charlotte Deye Owings and Frances T. D. Taylor, parties to the preceding instrument of writing, and acknowledged the same to be their act and deed.

[SEAL.] In testimony whereof, I have hereunto set my hand, and affixed my seal notarial, the day and year last aforesaid.

(Signed,) JNO. GILL, *Not. Pub.*

In testimony that the aforegoing is a true copy, taken from the records of Baltimore county, in liber W. G., No. 22, folio 6:

[SEAL.] I have hereunto set my hand, and affixed the seal of my office, this seventeenth day of July, in the year of our Lord one thousand eight hundred and seventeen.

(Signed,) WM. GIBSON,
Clerk Baltimore County Court.

Document **F**, filed January 30, 1828.

Power of Att'y from F. T. D. Owings, guardian to the infant children of Mrs. Vanpradelles, to J. K. West.

Know all men by these presents, that I, Frances Thwaite Deye Owings, of the city of Baltimore, guardian to Charles Francis Vanpradelles, Mary Penelope Vanpradelles, and Albert Gallatin Vanpradelles, (infant children of Cassandra Deye Vanpradelles, late of the city of New Orleans, deceased,) duly appointed by the judges of the orphans' court of Baltimore county, have, and by these presents do ordain, constitute, and appoint John K. West, of the city of New Orleans, my true and lawful attorney, for me, and in my name, and on my behalf, as guardian to the said infant children, to ask, demand, sue for, recover, and receive, such proportion of the estate of their deceased mother in New Orleans, or elsewhere, in the State of Louisiana, as the said children may be respectively entitled to, and to give receipts and acquittances in my name as guardian aforesaid therefor, and generally to do in the premises whatever I might or could lawfully do if personally present. Hereby ratifying and confirming whatever my said attorney may lawfully do in the premises by virtue of these presents.

In witness whereof, the said Frances T. D. Owings hath hereto set her hand and seal, this twenty-ninth day of May, eighteen hundred and seventeen.

(Signed,) FRANCES T. D. OWINGS. [SEAL.]

Witness:
PENELOPE D. PRICE,
JNO. GILL, *Not. Pub.*

UNITED STATES OF AMERICA, } *to wit:*
State of Maryland, }

Notarial certificate.

Be it known that, on this twenty-ninth day of May, one thousand eight hundred and seventeen, before me, John Gill, notary public, by letters patent under the great seal of the

State of Maryland, commissioned and duly qualified, residing in the city of Baltimore, in the State of Maryland, personally appeared Frances T. D. Owings, party to the preceding instrument of writing, and acknowledged the same to be her act and deed.

[SEAL.] In testimony whereof, I have hereunto set my hand, and affixed my seal notarial, the day and year last aforesaid.

(Signed,) JNO. GILL, *Notary Public.*

Document G, filed January 30, 1828.

Power of att'y from Juliana Vanpradelles to John K. West.

Know all men by these presents, I, Juliana Vanpradelles, of the city of Baltimore, one of the heirs and representatives of Cassandra Vanpradelles, late of the city of New Orleans, deceased, and one of the devisees under her last will and testament, have, and by these presents do nominate, constitute, and appoint John K. West, of the city of New Orleans, my true and lawful attorney, for me, and in my name to ask, demand, and receive, my share or proportion of the said estate of Cassandra Vanpradelles in New Orleans, or elsewhere in the State of Louisiana, and to give receipts and acquittances for the same; and, also, to sell and dispose of the same, or any part thereof; and also, in my name, and in my behalf, to consent to any decree, order, or judgment, of any court of law or equity which may be necessary or requisite in the premises, and, for that purpose, to appoint an attorney or attorneys under him; and generally do in the premises whatever might or could be done by me if personally present; hereby ratifying and confirming whatever my said attorney may lawfully do in the premises by virtue of these presents.

In witness whereof, I have hereunto set my hand and seal, this twenty-seventh day of May, eighteen hundred and seventeen.

(Signed,) JULIANA VANPRADELLES. [SEAL.]

Witness:

PENELOPE D. PRICE.

JNO. GILL, *Not. Pub.*

UNITED STATES OF AMERICA, } *to wit:*
State of Maryland, }

Notarial certificate.

Be it known that, on this twenty-seventh day of May, one thousand eight hundred and seventeen, before me, John Gill, notary public, by letters patent under the great seal of the State of Maryland, commissioned and duly qualified, residing in the city of Baltimore, in the State aforesaid, personally appeared Juliana Vanpradelles, party to the preceding instrument of writing, and acknowledged the same to be her act and deed.

[SEAL.] In testimony whereof, I have hereunto set my hand, and affixed my seal notarial, the day and year last aforesaid.

(Signed,) JOHN GILL, *Not. Pub.*

Document H, filed January 30, 1828.

STATE OF LOUISIANA, }
City of New Orleans. }

Notarial act of sale, 27th August, 1817.

Be it known that, this day, before me, John Lynd, notary public in and for the city of New Orleans, duly commissioned, personally appeared John K. West, attorney in fact of Charlotte Deye Owings and Frances Thwaite Deye Owings,

executrixes of Cassandra Deye Vanpradelles, deceased, who declared that he does, by these presents, grant, bargain, and sell, unto the Reverend James F. Hull, the said party being also present, and accepting a certain negress slave named Sidera, about thirty-two years of age, and her three children, namely, her female child named Linda, about eleven years of age, her female child named Josephine, about seven years of age, and her male child named Charles, about eighteen months old, all warranted free from incumbrances, and from the vices and maladies provided against by law: To have and to hold the said slaves, unto the said James F. Hull, his heirs and assigns, to their only proper use and behoof, for ever: And the said John K. West, for the said Charlotte Deye Owings and Frances Thwaite Deye Owings, executrixes as aforesaid, and their successors, the said slaves, unto the said James F. Hull, his heirs and assigns, shall and will forever warrant and defend against the claim of all and every person or persons whomsoever, by these presents. This sale is made for and in consideration of the sum of one thousand eight hundred dollars, with interest at six per cent. per annum, payable in four equal instalments, at six, twelve, eighteen, and twenty-four months, from the first day of March, one thousand eight hundred and seventeen. For which several instalments the said James F. Hull has this day given his promissory notes, and, to secure the true and faithful payment of the said notes at the time of their respectively falling due, the said James F. Hull does hereby mortgage the slaves hereby bargained and sold unto the executrixes aforesaid, and their successors, binding himself and his heirs not to alienate nor incumber the said slaves, nor either of them, to the prejudice of this mortgage, until full and perfect payment of the aforesaid notes. This done and passed at New Orleans, this twenty-seventh day of August, one thousand eight hundred and seventeen, in presence of Isaac T. Preston and Edward Gorman, witnesses, who hereunto sign their names with the parties and the notary. (Signed,) John K. West, attorney in fact of Charlotte Deye Owings and Frances Thwaite Owings, executrixes of Cassandra Deye Vanpradelles, deceased.

JAMES F. HULL, JOHN LYND, *Not. Pub.*
EDWARD GORMAN.

I, Greenbury Ridgely Stringer, notary public in and for the city of New Orleans, duly commissioned and sworn, do hereby certify that the foregoing is a true copy of the original as recorded in the register of the late John Lynd of this city, notary public, deceased, which register is now in the possession of the notary. In faith whereof, I grant these presents under my signature and seal of office, this first day of December, in the year of our Lord one thousand eight hundred and twenty-seven.

[SEAL.] (Signed,) G. R. STRINGER, *Not. Pub.*

Document O, filed February 19, 1828.

STATE OF LOUISIANA, } *Court of Probates.*
Parish and City of New Orleans, }

PETITION. *To the honorable James Pilot, Judge of the said Court:*

Petition for letters of executorship.

The petition of Charlotte Deye Owings and Frances Thwaite Deye Owings, of Baltimore county, State of Maryland, executrixes of the late Cassandra Deye Vanpradelles, and of John K. West, of the city of New Orleans, attorney in fact for the said executrixes, respectfully showeth:

That the said Cassandra Deye Vanpradelles, deceased, by her last will and testament, made your petitioners, C. D. Owings and F. T. D. Owings, her executrixes; that the said will was opened in the State of Maryland, and duly proven in the court of probates for the county of Baltimore, in the said State; which will more fully appear by a copy of the said will, with its proof and authentication before the said court of probates, herewith presented. And your petitioners pray that the said will may be proved and recorded in this office, and that letters of executorship may issue to your petitioners, and the said John K. West, attorney in fact as aforesaid, duly constituted by the procuration herewith also presented.

(Signed,) DICK & HANNARD,
Att's and Coun'rs for Petitioners.

(Order.)

Let the will hereto annexed be enregistered as prayed for, and testamentary letters delivered to the petitioners according to law.

New Orleans, January 4, 1817.

(Signed,) J. PILOT, *Judge.*

Will.

Cassandra Deye Vanpradelles's last Will and Testament.

Mrs. Vanpradelles's will.

In the name of the Almighty God, amen, I, Cassandra Deye Vanpradelles, of Baltimore county, in the State of Maryland, being of good and disposing mind, memory, and understanding, considering the certainty of death, and the uncertainty of the time thereof, do make and publish this my last will and testament: First, after the payment of all my just debts, I do give and bequeath unto Juliana Catharine, Benedict Francis, Charcilla Cassandra, Charlotte, Frances, Mary Penelope, and Albert Gallatin Vanpradelles, my true and lawful children, their heirs and assigns, for ever, all my estate. real, personal, and mixed, as tenants in common, and not as joint tenants, to be divided amongst them share and share alike. And do hereby nominate, constitute, and appoint, my sisters, Charlotte Deye Owings and Frances Thwaite Deye Owings, executrixes of this my last will and testament. In witness whereof, I, the said testatrix, Cassandra Deye Vanpradelles, have hereunto set my hand, and affixed my seal, at the city of New Orleans, and State of Louisiana, this thirty-first day of July, in the year of our Lord one thousand eight hundred and thirteen.

(Signed,) C. DEYE VANPRADELLES. [SEAL.]

Signed, sealed, and delivered, in the presence of us, who have hereunto subscribed our names as witnesses hereto, at her request, in her sight and presence, and in the sight and presence of each other.

(Signed,) W. F. THOMAS,
M. DEWEES.

BALTIMORE COUNTY, *to wit:*

On the 25th day of May, 1815, came W. F. Thomas, one of the subscribing evidences to the aforegoing last will and testament of Cassandra Deye Van Pradelles, deceased, and made oath on the Holy Evangelists of Almighty God, that he did see the testatrix sign and seal this will; that he

heard her publish, announce, and declare the same to be her last will and testament; that, at the time of her so doing, she was, to the best of his apprehension, of sound disposing mind, memory and understanding, and that he, together with M. Dewees and Maria D. Ross, the other subscribing evidences, thereto subscribed their names as witnesses to this will in her presence, at her request, and in the presence of each other.

Sworn to in open court.

Test: WM. BUCHANAN, *Reg'r.*

In testimony that the foregoing is a true copy taken from the records of the Register of Wills's office for Baltimore county, liber W B, No. K, folio 39, I have hereunto set my hand, and affixed the seal of my office, this thirtieth day of September, in the year of our Lord eighteen hundred and sixteen.

[SEAL.]

(Signed,) WM. BUCHANAN,
Register of Wills for Baltimore County.

MARYLAND, *ss.*

I, Owen Dorsey, presiding justice of the orphans' court of Baltimore county, in the State aforesaid, do certify that the foregoing attestation, by William Buchanan, register of wills for said county, is in due form.

Given under my hand and seal, this thirtieth day of September, in the year of our Lord eighteen hundred and sixteen, and of the independence of the United States the fortieth.

(Signed,) OWEN DORSEY, [SEAL.]
O. L. P. *Com'r.*

Power of Attorney.

THE UNITED STATES OF AMERICA, *State of Maryland,* } *to wit:*

Power of att'ny. from C. D. Owings, T. D. Owings, to J. K. West, dated 30 Jan. 1816.

Know all men by these presents, that we, Charlotte Deye Owings and Frances Thwaite Owings, of Baltimore county, State of Maryland, executrixes of the last will and testament of Cassandra Deye Vaupradelles, late of the city of New Orleans, deceased, have made, ordained, authorized, constituted, and appointed, and by these presents do make, ordain, constitute and appoint, John K. West, of the city of New Orleans aforesaid, merchant, our true and lawful attorney, for us and in our names and behalf, as executrixes aforesaid, to manage and transact all business relating to the estate of the said Cassandra Deye Vaupradelles, deceased, to receive and give receipts and acquittances for all the goods, chattles, estate, and effects, of every nature and description, belonging to the said estate; to receive all sum or sums of money, debts and demands of every kind now due, or which may hereafter become due to the said estate, and to give good and sufficient receipts, acquittances and discharges for whatever may be so received; and particularly to cause such proceedings to be instituted as may be necessary to effect a sale of the whole real and personal estate of which said Cassandra Deye Vaupradelles was seized or possessed at the time of her death; and to execute, or procure to be executed, a good and sufficient deed or instrument of writing for us, and in our names as executrixes aforesaid, for the purpose of transferring all the right and title of the heirs of the said

Cassandra Deye Vanpradelles therein, or thereto, to the purchaser or purchasers of the said estate; and generally to do, negotiate, and perform all other acts, matters, and things, in the premises, that circumstances may require, as well judicially as extra judicially, for the effectual settlement of the said estate, and for the recovery of all the just and legal demands due to the said estate, and whatever is or may be dependent thereupon, or incidental thereunto; as fully and effectually, to all intents and purposes, as we might or could do if personally present: with faculty to our said attorney to substitute one or more attorney or attorney's under him, and the same again at his pleasure to revoke, hereby promising to ratify, confirm, and hold for valid, all and whatsoever our said attorney shall lawfully do, or cause to be done in the premises, by virtue of these presents.

In witness whereof, we have hereunto set our hands and seals, this thirtieth day of January, one thousand eight hundred and sixteen.

(Signed,) CHARLOTTE D. OWINGS.
FRANCES T. D. OWINGS.

Signed, sealed, and delivered, in the presence of,
WILLIAM STERRETT, *Not. Pub.*
H. M. BRACKENRIDGE.

Notarial certificate.

Be it known, that, on the day and year first above written, before me, Samuel Sterrett, notary public, by letters patent under the great seal of the State Maryland, duly commissioned, residing in the city of Baltimore, in the State aforesaid, personally appeared Miss Charlotte Deye Owings and Frances Thwaite Deye Owings, of Baltimore county, State aforesaid, executrixes as aforesaid, parties to the foregoing letter of attorney, and acknowledged the same to be their act and deed, for the uses and purposes therein mentioned.

In testimonium veritatis.

[SEAL.] (Signed,) WILLIAM STERRETT, *Not. Pub.*

Affirmation of John K. West.

Affirmation of J. K. West.

Before me, John B. M. Brierre, deputy register of the court of probates for and in the parish of Orleans, personally appeared John K. West, who solemnly affirms that he will well and faithfully perform all and singular the duties of a testamentary executor of the late Cassandra Deye Vanpradelles, deceased, in the behalf, and as attorney in fact, of the executors of the said deceased.

(Signed,) JOHN K. WEST.

Affirmed and subscribed before me, New Orleans, this seventh day of January, 1817.

(Signed,) BRIERRE, *Dep'ty Reg'r.*
M. BLACHE, *Register of Wills.*

This is the paper referred to in deposition of Mr. Blache,
L. PIERCE, *Com'r.*
JNO. SLIDELL, *Com'r.*

THE STATE OF LOUISIANA.

To all whom these presents shall come, greeting:

Letters testamentary to J. K. West.

Whereas Charlotte Deye Owings and Frances Thwaite Owings, of Baltimore county, State of Maryland, named and appointed executrixes of the last will and testament of Cassandra Deye Vanpradelles, late of the parish of Orleans, deceased, having duly proved the same, and applied to the court of probates in and for the parish of Orleans, by petition, praying the said court to grant letters testamentary thereon unto Mr. John K. West of this city, merchant, their attorney in fact. Now, know ye, that the said John K. West has been, and he is hereby authorized and empowered, to collect the goods and effects which were of the said estate of the late Cassandra Deye Vanpradelles, deceased, and to make a just inventory thereof, and all other lawful acts to do and perform as attorney in fact of the executrixes of the said last will and testament.

Witness, James Pilot, esquire, judge of the court of probates, for the parish of Orleans, this eighth day of January, in the year of our [SEAL.] Lord one thousand eight hundred and seventeen, and the forty-first of the independence of the United States.

(Signed,) THOMAS BEALE,
Register of Wills for the Parish of New Orleans.

Certificate.

I, the undersigned, do hereby certify the foregoing to be a true copy from the original on file in my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court of probates at New Orleans, this 5th day of [SEAL.] August, in the year of our Lord one thousand eight hundred and twenty three, and the forty-eighth of the independence of the United States of Ameriea.

(Signed,) MARTIN BLACHE, *Register Wills.*

Document P, filed by the Defendant, February 19th, 1828.

The Estate of the late Widow Vanpradelles, in account current with John K. West.

Dr.				Cr.			
1815.				1815.			
May 17	To cash, balance on note favor of Duevarneau		$1,000	May 4	By balance of account rendered		$759 89
Sept. 30	To midwife, for bringing to bed negro woman Sidera		10	1817. May 31	By cash of Mr. Dick, on 1st instalment in account of amount due by Mr. Hughes		400
1817. Jan. 6	To cash Capt. Hart for passage of a negro girl from Baltimore, which slave had been taken away by Mrs. Donaldson		30	July 15	By ditto J. P. Moore, for a sugar kettle sold to P. Hall for P. Hickey, in July, 1814 - $90		
" 8	To cash paid for a coffin for one of Sidera's children buried some days since		5	"	Interest on said amount 2 yrs. 4 mo. 14 dys. - 12 90		102 90
" 10	To ditto Thomas Beale, register of wills, for petition to court, praying for testamentary letters on estate		30 50	Oct. 4	By J. F. Hull's 4 notes my favor for sale of negro woman Sidera, and her 3 children to him, viz.		
June 23	To cash paid register of wills for granting letters of administration on the estate of E. Johnson, deceased		36 25		1 payable 1st March, 1818 $450 do. 1st Sep., " 450 do. 1st March, 1819 450 do. 6 Dec., 1817 470 50		1,820 50
" 26	To cash paid in taxed costs in suits vs. G. Dorsey, of the estate of Johnson		24 62	1818 Jan. 9	By cash of J. Clay, account of W. Wikoff		525
July 11	To cash paid register of wills, for cancelling curatorship of G. Dorsey for estate of E. Johnson	2 12		" 16	By sale of house and lot belonging to the estate of the late widow Van pradelles, on the 20 June. 1817, as per bill of sale passed at the office of Michael De Armas, nota-		

9 | 69

Owings et al. vs. Hull.

421

33

DOCUMENT P—Continued.

Dr.				Cr.			
1817.				1818.			
July 11	To cash paid for annulling curatorship of W. F Thomas, to estate of widow Vanpradelles - - 3 87			Jan. 16	ry public, and payable as specified below, amount sale - $8,100		
		5	99		Deduct this sum expended by Mr. Dorsey for repairs done to house, and awarded to him by Messrs. H. B. Latrobe and Benjamin Story -	550	33
August 11	To cash paid for advertising in Louisiana Courier, Gazette, house and lot - - - -	8				$7549	67
" 30	To cash paid for certificate from register of mortgages' office -	1	50		6 mos. int. on $2149 67 the amount for repairs as above, $550 33 having been deducted from amt. 1 payment $64 49		
Sept. 1	To cash paid Jos. Lecarpenter, auctioneer, commission, &c. on sale of house and lot to G. Dorsey -	83					
" 29	To cash paid interpreter of district court for his fees, case of G. Dorsey - - - - -	3			3 mos. int. on $2214 16 remaining, bal. 32 21	97	70
1818.						$7647	37
Jan. 31	To Michae JDe Armas, bill for his professional services as notary public and attorney at law, in sale of house and lot to G. Dorsey, viz. renunciation by Mrs. Duevaneau, release of mortgage, &c. -	104	50		G. Dorsey's 2 notes dated 20 June, 1817, with interest at 6 per cent. from date, viz. 1 at 12 mos., favor of Flower & Finley - -	2,700	
Nov. 7	To cash paid interpreter of district court his fees in suit of W. F. Thomas vs. executors of estate of W. Donaldson - - -	2					

Nov.	10	To cash paid Dr. Hurman for medical attendance on negro woman Sidera, her children, a negro man, and money advanced - -	83			One at 18 mos., favor Flower & Finley - 2,700	
Dec.	23	To commission on amount from Dick on 1st May, 1817, $400 a 5 per ct. - -$20				3d note dated 20 Dec., 1817, at 90 days, my favor, interest to date of final payment included 2247 37	7,647 30
		Do. Moore 15 July, $102 90 5 14		March	4	By interest allowed on Hull's note -	27
		Do. Hull in notes 4 October, $1820 50 - - - 91 02		May	4	By cash of Mr. Dick for balance due by John Hughes - - -	196
		Do. Clay, 9 Jan. 1818, $525 26 25		June	23	By interest allowed on Dorsey's 1st note - - - -	162
		Do. Dorsey, in note 20 June, 1817, $7647 37 382 37		Sep.	1	By do. on Hull's 2d note - -	40 70
		Do. Dick, 4 May, 1818 $196 9 80				Note of $100 allowed to Mr. Dick as part of his fee for attending to whole business of the estate, and deducted by Mr. D. in amount paid me, account of Mr. Hughes -	
			534 58			By interest allowed on Dorsey's last note - - - -	243
		To balance to account - -	10171 23			By balance interest to date, per account on other side - -	207 79
			$12132 17				$12132 17
		Note.—The fees of A. L. Duncan, attorney for G. Dorsey as curator for the estate, and fees of J Dick, are yet to be paid; when amounts are ascertained, will be deducted from balance as above.			1818.		
				Dec.	23	By balance due to estate of the late widow Vanpradelles, when note of J. F. Hull's due 1 March, 1819, is paid, and this said balance carried to cr. in after account on other side.	

New Orleans, December 23d, 1818.
Errors excepted.
(Signed,) J. K. WEST.

Owings et al. vs. Hull.

422 35

Dr. *The Estate of the late Widow Vanpradelles in interest account with John K. West.* Cr.

To interest on $1,000 from 17 May, 1815, to 23 Dec., 1818—3 years 7 months 6 days - -			$216	By interest on $759 89, from 4 Nov. 1815, to 23 Dec., 1818, 3 yrs. 7 mo. 19 ds. - - -			$165 78
$10,	30 Sept., 1815, 3 yrs. 2 mo. 23 ds. -		1 93	On 460,	from 1 May, 1817, 1 yr. 7 mo. 22 ds.		39 46
65 50,	8 June, 1817, 1 yr. 11 mo. 15 ds. -		7 70	102 90,	1 July, " 1 yr. 5 mo. 8 ds -		8 88
36 25,	23 June, " 1 yr. 6 mo. - -		3 25	477,	1 March, 1818, 9 mo. 22 ds. -		23 20
24 62,	26 " " 1 yr. 5 mo. 27 ds. -		2 20	490 72,	1 Sept. " 3 mo. 22 ds. -		9 16
5 99,	11 July, " 1 yr. 5 mo. 12 ds. -		53	470 50,	6 Dec., 1817, 1 yr. 17 ds. -		29 48
9 50,	20 Aug., " 1 yr. 4 mo. 3 ds. -		76	525,	9 Jan., 1818, 11 mo. 14 ds. -		30 10
83,	1 Sept., " 1 yr. 3 mo. 22 ds. -		6 50	2,862 23	23 June, " 6 mo. - -		85 86
2,	29 Sept., " 1 yr. 2 mo. 24 ds. -		15	2,247 37	23 March, " 9 mo. - -		101 13
104 50,	31 Jan., 1818, 10 mo. 23 ds. - -		5 62	196	4 May, " 7 mo. 19 ds. -		7 48
85,	10 Nov., " 1 mo. 13 ds. - -		66				
20,	1 May, 1817 1 yr. 7 mo. 22 ds. -		1 92				
5 14,	15 July, " 1 yr. 5 mo. 8 ds. -		44				
91 02,	4 Oct., " 1 yr. 2 mo. 19 ds. -		6 66				
26 25,	9 Jan., 1818, 11 mo. 14 ds. - -		1 50				
282 37,	20 June, 1817, 1 yr. 6 mo. 3 ds. -		36 60				
9 80,	4 May, 1818, 7 mo. 19 ds. - -		37				
Balance carried to credit in account on this side -			207 79				
			$500 53				$500 53

New Orleans, December 23d, 1818. Errors excepted,
(Signed,) JOHN K. WEST.

Interest calculated at the rate of 6 per cent. per annum.

Dr. *The Estate of the late Widow Vanpradelles in after interest account with John K. West.* Cr.

To interest on $900, from 28 July, 1814, to 23d December, 1818, 4 yrs 4 mo. 25 ds. - -			$237 75	By interest on $200, from 21 July, 1814, to 23d December, 1818, 4 yrs. 5 mo. 2 ds. - -			$53 06
On $61 25, from 4 Aug., 1814, 4 yrs. 4 mo. 19 ds. -			16 12	On $700, from 26 July, 1814, 4 yrs. 4 mo. 27 ds. -			184 71
108 25,	1 Sept.,	" 4 yrs. 3 mo. 22 ds. -	28 79	392 27,	28 "	" 4 yrs. 4 mo. 25 ds. -	103 62
11	17 Sept.,	" 4 yrs. 3 mo. 6 ds. -	2 81	118 82,	13 Aug.,	" 4 yrs. 4 mo. 10 ds. -	31 09
10	21 July,	" 4 yrs. 5 mo. 22 ds. -	2 65	20,	1 Sept.,	" 4 yrs. 3 mo. 22 ds. -	5 07
35	26 July,	" 4 yrs. 4 mo. 27 ds. -	9 27	10,	4 Oct.,	" 4 yrs. 2 mo. 19 ds. -	2 53
19 62,	28 July,	" 4 yrs. 4 mo. 25 ds. -	5 18	350,	10 Oct.,	" 4 yrs. 2 mo. 13 ds. -	88 25
5 94,	13 Aug.,	" 4 yrs. 4 mo. 10 ds. -	1 55	10,	15 Nov.,	" 4 yrs. 1 mo. 8 ds -	2 48
1	1 Sept.,	" 4 yrs. 3 mo. 22 ds. -	26	29 30,	23 "	" 4 yrs. 1mo. -	7 18
50,	4 Oct.,	" 4 yrs. 2 mo. 19 ds. -	13	10,	18 March, 1815, 3 yrs. 9 mo. 5 ds. -		2 25
17 50,	10 Oct.,	" 4 yrs. 2 mo. 13 ds. -	4 40				
50,	15 Nov.,	" 4 yrs. 1 mo. 8 ds. -	12				
1 47,	23 Nov.	" 4 yrs. 1 mo. -	3 06				
50,	18 March, 1815, 3 yrs. 9 mo. 5 ds -		11				
1000,	10 Feb, 17 May, 1815, 2 mo. 23 ds. -		13 83				
This last item is the one mentioned in note at bottom of copy of account of 4 May, 1815.							
To balance carried to credit in account below -			154 31				
			$480 34				$480 34

New Orleans, December 23d, 1818.
Errors excepted.
(Signed,) JOHN K. WEST.

Owings et al. vs. Hall.

4 23 37

Dr. *The Estate of the late Widow Vanpradelles in after account with John K. West.* Cr.

1818. Dec. 23	To commission on $200 amount from Guichard on 21 July, 1814, at 5 per cent. - - - $10		1818. Dec. 23	By balance favor estate as per account on the other side - -	$10171 23
	To $700 from Thomas & Brother - - - 26 35			By do. interest to do. per after interest account as above - -	154 31
	To $392 27, Mayben and Fletcher - - - 28 19				
	To $118 82, Thomas and Brothers, 13 Aug., - 5 94				
	To $20, W. Ross, 1 Sept. - 1				
	To $350, D. Guichard, 10 Oct. 17 50				
	To $10, Sidera, 4 Oct. - 50				
	To $10, Sidera, 15 Nov. - 50				
	To $29 30, a slave, 23d " - 1 47				
	To $10, Sidera, 15 March, 1815 - - - 50				
		92 03			
	To balance to account - -	10233 51			
		$10325 54			$10325 54

By balance favor estate of the widow Vanpradelles, when note of J. F. Hull's, due 1st March, 1819, is paid	$10,233 51

New Orleans, December 23d, 1818. Errors excepted

(Signed,) J. K. WEST.

Testimony taken in open court, and filed for the Defendant, February 20th, 1828.

C. D. DONALDSON & others,
vs.
JAMES F. HULL.

Deposition of J. K. West.

Mr. John K. West, being duly affirmed for the defendant, saith, that he was the agent of Charlotte Deye Owings and Frances Thwaite Owings, executrixes of the late Cassandra Deye Vanpradelles, in the year 1816, and subsequent; that the power of attorney now produced, is admitted to be a certified copy of the original under which deponent acted. Defendant now files a transcript, marked O, from the court of probates, containing, among other things, the power mentioned. As the attorney of the executrixes, he addressed the letter which is now produced by defendant, and previously filed in this cause, and marked A; and that the document hereto filed, and marked B, is the answer of the defendant to the said letter. That, when he made a cession of his property to his syndics, he delivered to the said syndics all his letters and other books. That he communicated two documents, marked A and B, to the executrixes aforesaid. That the executrixes approved of the sale as contained in his propositions. Witness, on being shown document C, hereto filed in this cause, saith that it is the original power from Juliana Vanpradelles, received by him in document hereto filed, marked D; that the document hereto filed, marked F, is the original power of attorney from Frances T. D. Owings, representing herself as guardian to Charles, Frances, Mary Penelope, and Albert Gallatin, children and heirs of Cassandra Deye Vanpradelles, and that said document was also received in the aforesaid letter D, and that they were all received by him prior to the sale of the slaves in question to the defendant James F. Hull. That the document hereto filed, marked C, deponent believes to be the original letter received by him. That, after the receipt of the document aforementioned, deponent proceeded to sell the slaves in question to the defendant, by notarial act, before John Lynd, on the 27th day of August, 1817, as will appear by a notarial act of sale hereto filed, and marked H. Witness states, that the time he first stated to the executrixes, to propositions to sell, and the agreement to purchase, as before stated, up to the time of passing the sale, he never did receive, either from the executrixes or the heirs, any communication disapproving said sale, and that he has no recollection of having ever received from the heirs any disapprobation of said sale; and that he never corresponded, directly, with the heirs, but that his correspondence, in relation to these transactions, was with Judge George Winchester, of Baltimore. Witness saith, that the notes mentioned in the sale to Mr. Hull were received by him, and that they were all paid to him, except the last one for $470 50, which was delivered over by witness to Mr. G. Dorsey, of New Orleans, and which witness believes was paid to him.

Deposition of Samuel B. Bennett.

Mr. Samuel B. Bennett, being duly sworn for the defendant, saith, that he is the sole syndic of John K. West; that, some time since, he received a notice to produce in court all the books and papers in relation to the transaction between said West and the estate of Mrs. Vanpradelles; and that he put all the books and papers in 2 boxes, which were nailed up, and came with them, and deposited them in the clerk's office of this court. That, upon examination, there

appeared to be no letter book of a date anterior to June, 1817. The defendant now offers in evidence an account marked P, and which is now filed.

Greenbury Dorsey, a witness for defendant, sworn February 20th, 1828. It is admitted that the deposition of this witness, taken in the cause of the plaintiff against the defendant, together with all the documents and letters therein referred to, and now on file in the court probates of this shall be read in evidence as there taken.

Deposition of G. Dorsey.

This deponent, on being shown the document or account current, marked P, and filed in this court, says that it is the same account received by him, enclosed in a letter from George Winchester to Morgan, Dorsey, & Co. and now on file in the probates court; that the last note of Mr. Hull for the sale of the negroes, was received by deponent from J. K. West, and which amounted, with interest, to $570 and some cents, which deponent collected and remitted to Alexander Nesbitt, who is the uncle of the plaintiffs, and, as he has always understood and believes, the agent of the plaintiffs; and witness made the remittance to him, as he thinks and believes, by the direction of Mrs. Donaldson, one of the plaintiffs. Witness says that he has some knowledge and experience in relation to the trouble and expense in bringing up negro children, and that he is clearly of opinion that such children are a burden and expense to the owners until they arrive at the age of ten years at least. That the expenses and loss of service during the mother's confinement may be justly estimated at $50 at least for each confinement. That witness has never understood or heard, by letter or otherwise, from any of the heirs, or any person concerned for them, that they disapproved of the sale to Mr. Hull, nor have they ever made any objections thereunto, as far as this deponent knows or believes, until the institution of the suit. That witness has no communication with the heirs, except Mrs. Donaldson, as appears by the letters referred. Witness knows the girl Linda; she is now about 25 or 26 years. The services of said Linda ought to be estimated at $10, if she has been serviceable in town; but she, Linda, was unmanageable, and Dr. Hull sold her to Mr. Packwood for $550.

(Signed,) G. DORSEY.

The counsel for the plaintiffs, (the testimony all having now been introduced and taken,) reserves the benefit, both in this and the Supreme Court, to object to its legal admissibility in the present cause.

(Signed,) T. F. McCALEB,
Att'y for Pl'ffs.

New Orleans, Feb'y 20th, 1828.

Affidavit of James Sterrett, filed 22d February, 1828.

JAMES F. HULL, *adsm* DONALDSON & others.

Affidavit of James R. Sterrett.

James R. Sterrett, being sworn, says that he assisted in opening the two boxes of boxes and papers referred to in the deposition of S. B. Bennett, and now deposited in the clerk's office of this court; that he assisted in examining the contents thereof; and that he is certain that there is no letter book of Jno. K. West in said boxes, anterior to the month of June, 1817.

(Signed,) JAMES R. STERRETT.

Sworn to before me, this 22d of Feb'y, 1828.

(Signed,) THOS. S. KENNEDY, *Clerk.*

Affidavit of N. Morse, filed February 22d, 1828.

N. Morse, being sworn, saith that he has been, for many years, intimate in the family of Mr. Hull, and has had frequent opportunities of observing the conduct of the slave Sidera, and her daughter Josephine. That he knows them both to possess high, and, in many instances, ungovernable tempers, and very frequently insulting to their master and mistress And the deponent knows, that since the claim of the heirs of Vanpradelles has been set up, and of which they had been advised by some person unknown to this deponent, their disorderly conduct has increased to such a degree, that Mr. Hull has been frequently compelled to order them out of the house; and deponent has no hesitation in saying that, during the pendency of this suit, and as long as they are under the impression that Mr. Hull is not their master, that their services are not worth the provisions they eat. Affidavit of N. Morse.

(Signed,) N. MORSE.

Letter A, filed by the defendant, 22d February, 1828.

Baltimore, 17th March, 1819.

Messrs. Morgan, Dorsey & Co.

Letter from Geo. Winchester, to Morgan, Dorsey & Co. dated 17th March, 1819.

Gentlemen: The recent failure of Mr. John K. West, of your city, induces me to make an application to you, on behalf of the orphan children of the late Mrs. Vanpradelles, which I flatter myself will receive your attention. Mr. West has been, for some years the attorney of the executors of Mrs. Vanpradelles, and, at the time of his failure, had in his hands upwards of ten thousand dollars belonging to the estate, as will appear by his account current, which I take the liberty to enclose. West has never remitted one cent, although he has been in possession of the funds of the estate for a long time, (as must be known to Mr. Dorsey:) and, notwithstanding my applications to him stating the wants of the children, and the necessity of remittances My object in addressing you, is to procure your assistance in recovering this claim against the estate of West, which I suppose has been been placed in the hands of trustees. I ought to have informed you that I am the agent of the executors here, who, together with Mrs. Donaldson, have so far presumed an acquaintance with some of the members of your house, as to request your kind interference on behalf of these orphans, who are rendered nearly destitute by the shameful conduct of Mr. West.

I send you a power of attorney from the executors, giving full power to act as occasion may require. May I ask the favor of you to inform me of the situation of West's affairs, and what will be the probable amount which the children may hope to receive? Will this debt come in common with the rest of West's creditors, or have they any security in court? If any further documents or power of attorney should be necessary, they shall be forwarded as soon as we hear from you.

Whatever expenses may be incurred in the management of this business, you will consider me responsible for.

Respectfully, gentlemen,
Your obedient servant,

(Signed,) GEORGE WINCHESTER.

P. S. I have written to Mr. West to deliver you the books, &c. of the estate, as there must be considerable outstanding claims, and possibly some property. There is a note of J. Hull, for $456, which became due 1st March, 1819, after West stopped payment.

Letter B, filed by defendant, February 22d, 1828.

Baltimore, 19*th March*, 1822.

Messrs. MORGAN, DORSEY & Co.

Letter from Alexander Nesbit, to Morgan, Dorsey & Co. dated 19th March, 1822

Gentlemen: I have to acknowledge the receipt of your letter of the 9th ult. containing a statement of collections made by you of moneys for the heirs of Mrs. Vanpradelles, enclosing a letter for Mrs. Donaldson, a bill of exchange at 60 days' sight, on Messrs. Price & Morgan, for $570 53. Your letter I have handed to Mrs. Donaldson. The bill has been transmitted to Philadelphia, and I have no doubt will be duly honored.

I have to thank you for your polite and kind attention to this business, and particularly for the feeling manner in which you refuse to make any charge for your trouble. I am mortified when I reflect on the cruelty and injustice with which these orphans have been treated by him to whom their business was first entrusted; and. though your account of West is very unpromising, I would feign indulge a faint hope of something from his estate. I rely with entire confidence on your exertions, if they can be employed with any prospect of advantage. With esteem and regard,

I remain, your

Obedient servant,

(Signed,) ALEX. NESBIT.

Letter C, filed by defendant, February 22d, 1828.

Baltimore, *September* 17*th*, 1821.

Mr. DORSEY:

Letter from Mrs. Donaldson to Mr. Dorsey, dated 17th Sept. 1821.

Sir: I feel so extremely anxious about the settlement of Mr. West's business, that I can wait no longer the dilatory movements of Mr. Winchester; and have therefore determined to apply to you myself for information, well knowing that you will embrace the first opportunity of affording it. The depreciation of property here, left my brothers and sisters without a sufficient support, and the neglect of Mr. Duncan, in settling my late husband's estate, has, I fear, (for I know, nor can learn nothing that has been done in that business, since I left your city,) left me even worse. These are powerful reasons, you will allow, for my anxiety. We ask not for riches; but from three estates left us, we might, with reason, have expected a support; but such is generally the fate of the widow and the orphan. The money arising from the sale of Sidera and her children, uncle Nesbit has just informed me has not ever been written for. I thought it had been long since received and paid over. You will very much oblige me, by remitting it immediately, together with $50. I have directed Mr. W. Y. Lewis to pay to you for me, to Judge Nesbit. I ought to have paid the residue of the money, as I believe some part of it has been already paid.

Yours, with esteem,

(Signed,) C. D. DONALDSON.

Be kind enough to make my compliments acceptable to your amiable wife, and W. Zacharie's family.

P. S. Please to ask Mr. Duncan for an inventory of the property of the late W Donaldson, that remains unsold: surely he has time to comply with this small request.

(Signed,) C. D.

Judgment.

Parish Court for the Parish and City of New Orleans, March 3d, 1828.

Present: the honorable James Pilot.

C. D. Donaldson and others,
vs.
James F. Hull.

Judgment of the parish court.

After mature consideration of the whole of the documents and testimony in this case, if it can be argued in law that the defendant did purchase, in bad faith, pursuant to the authorities and precedents depended upon on the part of the plaintiffs, it must nevertheless be confessed, that, in the most rigorous equity of the case, his good faith is conspicuous. But considering that, in law, Messrs. Vanpradelles, the plaintiffs' principal is not to be considered as dead, and is to be looked upon as being yet the owner of the property claimed, and of which the said plaintiffs have been in provisional possession. That, admitting, for argument's sake, Mrs. Vanpradelles to be dead; and paying no regard to both the irregularities to her will itself, and to the sale of the property, all the heirs, except one, were minors at the time of the disposition of the mother's estate, against which their right should not be prescribed. The court is conscious that, in the rigor of the law, the defendant is bound to deliver up to the plaintiffs the property claimed by them, viz. the negro woman Sidera, with her five children, now in his possesion, and to pay a just compensation for the hire of those who, from the time of judicial demand, viz. the 30th July, 1823, rendered services, with deduction of the sum of $570, received from the defendant through C. D. Donaldson, the only one of age, at the time, among the children of Mrs. Vanpradelles, as well as of an additional allowance for the unavoidable expenses of rearing up Sidera's younger children, which they have not compensated by their services, and for which, the court is of opinion, that, in the equity of the case, as well as in law, a sum of $190 be further allowed, and then reduce the final balance thereupon, viz. $1,190 claimed by the plaintiffs in their settlement marked A, to $1,000. It is therefore ordered and decreed by the court, that judgment be rendered in favor of the plaintiffs against the defendant, with costs; and that said defendant shall further deliver up to them, the slave Sidera and her children, Linda, Josephine, Charles, Jonathan, and Thomas, in his possession, and pay to them, for balance of compensation of their services to him since the judicial demand in this suit, the sum of one thousand dollars.

Parish Court for the Parish and City of New Orleans, March 9, 1828.

Present: The honorable James Pilot.

C. D. Donaldson and others,
vs.
James F. Hull.

Upon motion for a new trial of N. Morse, esquire, of Motion for a new

trial, and order of court threon. counsel for the defendant, and, upon filing certain grounds for a new trial in this case, it is ordered by the court that the plaintiffs show cause forthwith why a new trial should not be granted in this case upon the reasons set forth in the said grounds: Whereupon, the same was submitted to the court, with consent of the plaintiffs' counsel, without argument.

Grounds for a New Trial, filed 8th March, 1828.

HULL, *adms.* DONALDSON. } *Grounds for a New Trial.*

Grounds for a new trial. 1. The judgment is aginst law and evidence.

2d. There is no evidence to justify the allowance of $1,760 for the services of the slaves.

3d. No reasonable allowance has been made for the expenses of clothing and feeding the slaves Sidera, Linda and Josephine, but the court has allowed the full wages.

4th. No allowance is made for the expenses of the three younger children.

5. The present suit was instituted Feb'y 22, 1826, and no allowance could legally be made for services anterior to that period.

5. The slave Sidera was sold, anterior to the institution of this suit, to Samuel Packwood, and was not in the possession of the defendant at that period.

6. Interest should be allowed on the money paid to C. D. Donaldson, one of the plaintiffs, as the last instalment of the purchase money of the slaves by defendant.

(Signed,) N. MORSE.

C. D. DONALDSON and others, vs. JAMES F. HULL. } *Opinion on motion for a New Trial.*

Opinion of the court on the motion for a new trial. Upon motion for a new trial in this case, the court, after mature consideration of the six grounds depended upon: There is not such motive for granting it as provided for by the article 560, but merely as to the 5th ground for obtaining it, a mistake of date taken from a memorandum furnished by the plaintiffs' counsel, and having created errors of calculation, to be corrected without altering the substance of the judgment, pursuant to the article 517 of the same code.

Then, if it is true that the calculation of services of slaves be accounted for by the defendant in this case, has been erroneously made from the 30th July, 1823, it is the opinion of the court that, pursuant to art. 30, p. 480, of the old Civil Code, at the time the said defendant owes them, not from the institution of the successive suit, on the 22d Feb'y, 1826, but from the date of legal demand of the property he enjoyed before; and, it is in evidence, that such demand, for possession of the same, was instituted by defendant, regularly by a suit before the court of probates, on the 26th of April, 1824, being the very date from which said services are to be calculated, instead July 30th, 1823, being that of a process in this case withdrawn for want of jurisdiction of the court: Wherefore, the wages of Sidera at $12 per month

from the 26th of April, 1824, to the 1st of March, 1828, shall be	$552
The services of Linda and Josephine at $10 each, do. -	920
Total, -	$1,472
But of which deducting, as paid by Mr. Dorsey to Mrs. Donaldson, one of the plaintiffs, - - - - -	570
There remains -	$902

But of which finally deducting the sum of 190, as an allowance for the compensation of both trouble and expense for rearing up the younger slaves, the balance shall be $712: Whereupon, accordingly, on this motion, it is adjudged that, by amendment of calculation in the judgment of the court in this case, before having it signed, the said judgment shall be entered for the sum of $712, instead of $1,000 therein expressed, against the defendant, and without any alteration in the substance of the said judgment in favor of the plaintiffs, with costs, for delivering up to the said plaintiffs the slave Sidera and her three children therein specified. This judgment was signed as follows, to wit:

New Orleans, March 25, 1828.

(Signed,) JAS. PILOT, *Judge.*

Petition of Appeal.

JAMES F. HULL, *adms.* DONALDSON and others.

Appeal prayed on the part of J. F. Hull.

The defendant being dissatisfied with the final judgment in this case, prays an appeal to the Supreme Court.

(Signed,) N. MORSE, *For Defendant.*

Judge's Order.

Let an appeal be allowed in this case upon the appellant's giving bond and security in the sum of one hundred dollars to answer for the costs of the said appeal, to be returnable in the supreme court on the first Monday of May next. Appeal granted.

New Orleans, April 9, 1828.

(Signed,) JAMES PILOT, *Judge.*

Service of appeal acknowledged, and citation dispensed with, and bond for costs also dispensed with.

New Orleans, April 12, 1828.

(Signed,) T. F. McCALEB, *Att'y for Plaintiffs.*

Petition of Appeal.

To the honorable James Pilot, judge of the parish court in and for the parish and city of New Orleans: The petition of C. D. Donaldson and others, shows, that they are informed there is error in the judgment of the court lately rendered in the suit of your petitioners vs. James F. Hull; they, therefore, pray an appeal according to law, and for all other relief, &c. Appeal prayed on the part of the plaintiffs.

(Signed,) T. F. McCALEB, *For Appellants.*

Judge's Order.

Appeal granted. Let an appeal be allowed in this case, upon the appellants giving bond and security in the sum one hundred dollars to answer for the costs, the said appeal returnable in the supreme court on the 1st Monday of May next.

New Orleans, April 12, 1828.

(Signed,) JAS. PILOT, *Judge.*

Service of appeal acknowledged, and citation dispensed with, and bond for cost also dispensed with.

(Signed,) N. MORSE, *for Def't.*

M. *Judgment of the Supreme Court, filed June* 26, 1828.

SUPREME COURT OF THE STATE OF LOUISIANA:

Monday, June 23, 1828,

The Conrt met. Present: The honorable George Mathews,
The honorable F. X. Martin,
The honorable Alexander Porter.

C. D. DONALDSON and others, *Appellants,*
vs.
JAMES F. HULL, *Appellee.*
and
JAMES F. HULL, *Appellant,*
vs.
C. D. DONALDSON and others, *Apellees.*

Appeal from the Parish Court of the City and Parish of New Orleans.

In this case, the court this day delivered their opinion in writing, in the words and figures following, to wit:

Opinion of the supreme court. The defendant, in August, 1817, purchased, by a notarial act, from West, attorney in fact of two ladies of Baltimore, who styled themselves executrixes of Mrs. Vanpradelles, their sister, and mother of the plaintiffs, a negro woman, her two daughters, and her son: the sale was made without any order of court, and not by public auction.

There having been no actual proof of Mrs. Vanpradelles's death, the plaintiffs, on a suggestion that she went to sea in 1812, and has never been heard of, procured themselves to be *sent on* possession of the property, and brought the present suit to recover the slaves purchased by the defendant, with their hire from the day of sale.

The parish judge thought the wages were due from the institution of the suit, and allowed $1,282 therefor, from which he deducted $570 paid by the defendant, and gave judgment for $712.

From this judgment, both parties appeal.

The plaintiffs complain that the defendant, being without a just title, *i. e.* a title apparently transferring property, he is, though not morally, technically a possessior in bad faith. The title is said to be absolutely void, because it purports to be the evidence of a sale by executrixes, and such persons can only sell after an order of court, and by public auction. And here there was no order of court, and the sale is not by auction, but by private contract.

The defendant then is bound to restore the slaves, and the value of their services. And we think the parish court erred in confining its judgment for the value of the services to the period that elapsed between the demand and decision of the suit.

The case appears peculiarly a hard one, as the defendant bought in *moral* good faith, with the knowledge of the only one of the plaintiffs who was of age, and from the aunts of all of them, who had been selected by their mother to protect their interest after her death; that the plaintiff, who was of age, received from him part of the price.

It is to be lamented that the law imposes on courts of justice the obligation of decreeing the restoration of the value of the services of slaves, a possessor who has fairly paid a full price for them, while it authorizes them to do no more in the case of a dishonest holder who has taken them in possession without paying any thing for them.

But, in assessing the value of the services which a defendant is to be decreed to restore, we think the same rule ought to prevail in assessing damages for their detention. The moral good faith or the dishonest conduct of a defendant should influence us; and if justice demands vindictive damages in the latter case, it prescribes a just moderation in the former. The plaintiff must not receive more than he would if he had been in possession.

The defendant bought a woman thirty-two years of age, who had two daughters, the one eleven, the other seven years of age, and a boy eighteen months old. Her services, had she been hired by the month, would not have averaged ten dollars per month, or one hundred and twenty dollars a year, from which a deduction of two months may be fairly made for the time lost by sickness, or the impossibility to find a person willing to hire her, and her wages must then be reduced to a $100 a year. Her taxes, clothing, medical attendance, and medicines, may be valued at $20 a year, and thus reduce the sum earned to $80 a year nett, which would pay the ordinary price of such a woman's purchase in five years.

The services of the daughters, one being eleven the other seven years of age, we have considered, on an average, as equalling, for both, the services of the mother, or $80 a year. Now, from the date of the sale, August, 1817, to the present day, are 10 years and 10 months, which, at $160 a year, make $1,782.

We have considered the boy, who was but eighteen months of age, a burthen. He required food, raiment, attention from the mother, medical attendance, medicines, taxes were paid for him. For this we think twenty-five dollars a year, less than 50 cents a week, not an extravagant charge for 10 years and 10 months—$271

Two children were born during the defendant's possession—this necessarily incurred a loss of the mother's services for a while, some expenses in her lying in, some time lost in nursing, some food, &c.: for this we have allowed, for both children, $150.

Part of the defendant's money, $570, has actually come to the possession of one of the plaintiffs.

If the sale be rescinded, and he charged with full hire from the day of the sale, the plaintiffs should allow him the value of the use of this money which actually came to their hands. A jury would certainly consider that, in the assessment of damages, and we have deemed it our duty so to do, and hence taken 5 per cent., the legal rate of interest, for the value of the use of the money: thus, during 9 years and 10 months, their value on $570 is $281

57. This, with the sum received, and the last two sums, make together $1,283 57, which, deducted from $1,728, leaves a balance due to the plaintiffs of $445 43.

It is, therefore, ordered, adjudged, and decreed, that the judgment of the parish court be annulled, avoided, and reversed and it is further adjudged, ordered, and decreed, that the plaintiffs recover from the defendant the slaves mentioned in the petition, and the sum of four hundred and forty-five dollars and forty-three cents for the value of their services. And it is ordered that the plaintiffs pay costs in this court, and the defendant below.

[SEAL.] A true copy: (Signed,) N. LE BRETON, *Clerk.*

I do hereby certify that the taxed costs in this case amount to the sum of ninety-three dollars and sixty-eight cents and three quarters, which I have this day received from the Reverend Doctor James F. Hull, the defendant in this case.

$93 68¾. (Signed,) THOS. S. KENNEDY, *Clerk.*

New Orleans, June 28, 1828.

New Orleans, 20th June, 1828, received of the Reverend James F. Hull, the defendant in this cause, the sum of thirty dollars, being the amount of sheriff's fees herein.

$30. (Signed,) G. W. MORGAN, *Sheriff.*

Received of the Reverend James F. Hull the following slaves, Sidera, Josephine, Charles, Thomas, Jonathan, and Elijah, being the property of the heirs of Mrs. Vanpradelles, as per late decision.

New Orleans, June 30, 1828.

(Signed,) J. W. ZACHARIE,
Agent for Mrs. C. D. Donaldson.

Approved July 1, 1828.

(Signed,) T. F. McCALEB,
Attorney for Plaintiffs.

S. L. P. Com'r.

Received of James F. Hull four hundred and forty-five dollars and forty-three cents, amount allowed in the within judgment, as appears fromt he same.

New Orleans, July 1, 1828.

(Signed,) T. F. McCALEB,
Attorney for Plaintiffs.

I do hereby certify the aforegoing to be a true copy from the original record of the proceedings had in this case, and filed in the office of the clerk of the parish court for the parish and city of New Orleans.

In testimony whereof, I have hereunto set my hand, and affixed the seal of the said court, at the city of New Orleans, this twenty-fifth day of February, in the year [SEAL OF PARISH COURT.] of our Lord eighteen hundred and thirty, and 54th of the independence of the United States of America.

THOS S. KENNEDY, *Clerk.*

I, James Pilot, sole judge of the parish court for the parish and city of New Orleans, do hereby certify that Thomas S. Kennedy, whose signature

is to the aforegoing attestation annexed, is now, and was at the time of signing the same, clerk of the parish court for the parish and city of New Orleans, duly commissioned. That said attestation is in due form of law, and that the signature thereto is in the proper handwriting of him, the said Thomas S. Kennedy.

Witness my hand and private seal, at the city of New Orleans, the day and year above written.

[SEAL.] JS. PILOT, *Judge.*

STATE OF LOUISIANA, *City and Parish of New Orleans,* } *sct.*

I, Thomas S. Kennedy, clerk of the parish court for the parish and city of New Orleans, do certify that the honorable James Pilot, by whom the aforegoing attestation was made, and who has thereto subscribed his name, was, at the time of so doing, and still is, sole and presiding judge of the parish court for the parish and city of New Orleans, duly commissioned and qualified; to all whose acts, as such, full faith and credit are due, and ought to be given as well in courts of justice as elsewhere.

[SEAL.] THOS. S. KENNEDY, *Clerk.*

Costs of this record, $16 50—and received the same from the Reverend Doctor Hull, defendant in the suit.

THOS. S. KENNEDY, *Clerk.*

16 50
8 75

Total, 25 25

Also, the following commission, depositions, and return:

THE UNITED STATES OF AMERICA, *District of Maryland,* } *to wit:*

To Samuel Livermore, Levi Pierce, L. Mallandon, and J. W. Zacharie, esquires, greeting:

Be it known that you are appointed commis- Commission to take testimony.
[SEAL.] sioners to examine evidences in a cause now depending in the circuit court of the United States for the fourth circuit in and for the Maryland district, between James F. Hull, plaintiff, and Charlotte D. Owings and T. D. Taylor, defendants: Therefore, you, or any three or two of you, are requested, having first taken the oath hereunto annexed, and also administered the annexed oath to the person whom you shall appoint as clerk to attend the execution of this commission, that, at such time and place as to you, or any three or two of you, shall seem convenient, you cause to come before you, or any three or two of you, all such evidences as shall be named or produced to you, or any three or two of you, by either the plaintiff or defendants; and that you, or any three or two of you, examine them upon their corporal oaths, to be by you, or any three or two of you, administered upon the Holy Evangely of Almighty God, touching their knowledge or remembrance of any thing that may relate to the cause aforesaid; and, having reduced the depositions of the witnesses so taken by you, or any three or two of you, into writing, you send the same, with this commission closed, under your, or any three or two of your, hands and seals, to the said circuit court, with all convenient speed.

Witness, the honorable John Marshall, chief justice of our Supreme Court, the eighteenth day of March, in the year of our Lord eighteen hundred and thirty-one.

N. W. Issued 18th day of July, 1831.

PHILIP MOORE,
Clerk Circuit Court.

The execution of this commission appears in a certain schedule hereto annexed:

L. MILLANDON, J. W. ZACHARIE, } *Commissioners.*

Commissioners' Oath.

You shall, according to the best of your skill and knowledge, truly, faithfully, and without partiality to any or either of the parties, take the examinations and depositions of all and every witness and witnesses produced and examined by virtue of the commission hereunto annexed, upon the interrogatories now, or which may hereafter, before the said commission is closed, be produced to, and left with you by either party. So help you God.

J. W. ZACHARIE, L. MILLANDON, } *Commissioners.*

The above oath was administered by me on this 12th day of August, 1831, to James W Zacharie and Laurent Millandon, two of the commissioners within named.

WM. CHRISTY,
Notary Public for the City and Parish of New Orleans.

Clerk's Oath.

You shall truly, faithfully, and without partiality to any or either of the parties in this cause, take, write down, and transcribe, the depositions of all and every the witness and witnesses produced before, and examined by the commissioners, or any three or two of them, named in the commission hereunto annexed, as far forth as you are directed and employed by the said commissioners, or any three or two of them, to take, write down, and transcribe, the said depositions, or any of them. So help you God.

H. B. CENAS, *Clerk.*

The preceding oath administered to H. B. Cenas, by us appointed clerk, before proceeding to the execution of this commission.

L. MILLANDON, J. W. ZACHARIE, } *Commissioners.*

JAMES F. HULL, vs. CHARLOTTE D OWINGS, FRANCES T. D. TAYLOR. } *Circuit Court U. S, 4th Circuit, District of Maryland.*

Interrogatories. *Interrogatories to be propounded to witnesses on behalf of the Plaintiff.*

First. Have you seen the original power of attorney given by the defendants, Charlotte D. Owings and Frances T. D. Owings, now Frances T. D. Taylor, to John K. West. which bears date the 30th January, 1816? Where is the said original power of attorney?

Second. If the said original power of attorney is lodged in any public or other office, can it or can it not be taken from such office? What is the law and usage of Louisiana in this respect? If it cannot be taken from such office, can office copies be taken?

Third. Please to annex to your answer an office copy or other copy, compared by yourself, of such original power of attorney.

Fourth. If you do not know, or cannot find where such original power of attorney *of attorney* is, state the same in your answer; and if you have ever seen the same, read the copy of such power of attorney, and say whether it is a true copy to the best of your knowledge, recollection, and belief.

Fifth. Do you know any other matter or thing material to the plaintiffs? If so, state the same as fully as if you were particularly interrogated thereto.

NATH'L WILLIAMS,
Attorney for Plaintiff.

Depositions of witnesses produced, sworn, and examined, on the 12th day of August, in the year of our Lord 1831, at the office of William Chrysty, esquire, a notary public, in the city of New Orleans, and State of Louisiana, by virtue of a commission issuing from the circuit court of the United States for the district of Maryland, to us directed, for the examination of witnesses in a certain cause depending in the said court, wherein James F. Hull is plaintiff, and Charlotte D. Owings and Frances T. D. Owings, now Frances T. D. Taylor, are defendants.

Martin Blache, of the city of New Orleans aforesaid, aged thirty-four years, being produced, sworn, and examined, on behalf of the plaintiff, deposeth as follows: Deposition of Martin Blache.

1st. To the first interrogatory on the part of the plaintiff, he deposeth as follows:

That he has seen the original power of attorney given by the defendants, Charlotte D. Owings and Frances T. D. Owings, now Frances T. D. Taylor, to John K. West, which bears date the 30th day of January, 1816, and that the said power of attorney is deposited in the court of probates for the city and parish of New Orleans, of which he, this deponent, is, ex-officio, clerk, as register of wills for the said par sh.

2d. To the second interrogatory on the part of the plaintiff, he deposeth as follows:

That, under the law and usage of the State of Louisiana, the said original power of attorney cannot be withdrawn from the said court of probates, as it makes a part of the record in the matter of the estate of the late Cassandra Deye Vanpradelles, which succession has been opened in the said court; that a true copy of the said original power of attorney has been taken, and duly certified by him.

3d. To the third interrogatory on the part of the plantiff, he deposeth as follows:

That he has carefully compared the copy of the said original power of attorney, referred to in his answer to the second interrogatory, with the said original, and found the same to be true and faithful, which copy is marked A, and annexed in the margin hereof for reference.

4th. To the fourth interrogatory on the part of the plaintiff, he deposeth as follows:

That he does know where the said original power of attorney is, as stated in his answer to the first interrogatory; that he has compared the said

annexed copy thereof with the said original, and knows the same to be a true and faithful copy.

5th. To the fifth interrogatory on the part of the plaintiff, he deposeth as follows:

That he knows of no other matter or thing material to the plaintiff in this causes.

MARTIN BLACHE.

L. MILLANTON, J. W. ZACHARIE, } *Commissioners.*

A.

STATE OF LOUISIANA, *Parish of Orleans.* } *Court of Probates.*

Register of Wills' Office.

Power of Attorney.

UNITED STATES OF AMERICA, *State of Maryland,* } *to wit:*

Know all men by these presents, that we, Charlotte Deye Owings and Frances Thwaite Deye Owings, of Baltimore county, State of Maryland, executrixes of the last will and testament of Cassandra Deye Vanpradelles, late of the city of New Orleans, deceased, have made, ordained, authorized, constituted, and appointed, and by these presents do make, ordain, authorize, constitute, and appoint, John K. West, of the city of New Orleans aforesaid, merchant, our true and lawful attorney, for us, and in our names and behalf as executrixes aforesaid, to manage and transact all business relating to the estate of the late Cassandra Deye Vanpradelles, deceased: to receive and give receipts and acquittances for all the goods, chattels, estate and effects, of every nature and description belonging to the said estate; to receive all sum and sums of money, debts and demands of every kind now due, or which may hereafter become due to the said estate; and to give good and sufficient receipts, acquittance, and discharges for whatever may be so received; and, particularly, to cause such proceedings to be instituted, as may be necessary to effect a sale of the whole real and personal estate of which said Cassandra Deye Vanpradelles was seized or possessed at the time of her death; and to execute, or procure to be executed, a good and sufficient deed, or other instrument of writing, for us and in our names, as executrixes aforesaid, for the purpose of transferring all the right and title of the heirs of the said Cassandra Deye Vanpradelles therein and thereto, to the purchaser or purchasers of the said estate; and, generally, to do, negotiate, and perform, all other acts, matters, and things in the premises, that circumstances may require, as well judicially as extrajudicially, for the effectual settlement of the said estate, and for the recovery of all the just and legal demands due to the said estate, and whatsoever is or may be dependant thereupon, or incident thereunto, as fully and effectually, to all intents and purposes, as we might or could do if personally present. With faculty to our said attorney to substitute one or more attorney or attorneys under him, and the same again at his pleasure to revoke, hereby promising to ratify, confirm, and hold for valid, all and whatsoever our said attorney shall lawfully do, or cause to be done, in the premises, by virtue of

Copy of power of attorney from C. D. Owings, F. T. Owings, to J. K. West, dated 30th Jan. 1816.

these presents. In witness whereof, we have hereunto set our hands and seals, this thirtieth day of January, one thousand eight hundred and sixteen.

(Signed,) CHARLOTTE DEYE OWINGS. [L. S.]
(Signed,) FRANCES T. D. OWINGS. [L. S.]
Executrixes of Cassandra Deye Vanpradelles.

Signed, sealed, and delivered, in the presence of

(Signed,) WILLIAM STERRETT.
(Signed,) H. M. BRACKENRIDGE.

Be it known, that on the day and year above written, before me, Samuel Sterrett, notary public, by letters patent under the great seal of the State of Maryland, duly commissioned, residing in the city of Baltimore, in the State aforesaid, personally appeared Miss Charlotte Deye Owings and Frances Thwaite Deye Owings, of Baltimore county, State aforesaid, executrixes as aforesaid, parties to the foregoing letter of attorney, and acknowledged the same to be their act and deed for the uses and purposes therein mentioned.

In testimonium veritatis:

[L. S.] (Signed,) WILLIAM STERRETT.

I, the undersigned register of wills in and for the parish and city of New Orleans, and, ex-officio, clerk of the court of probates in and for the said parish and city, do hereby certify the foregoing to be a true copy from the original power of attorney filed in the matter of the estate of the late Cassandra Deye Vanpradelles, and duly recorded in my office.

In testimony whereof, I have hereunto set my hand, and affixed the seal of the said court, at the city of New Orleans, on the [L. S.] tenth day of August, in the year of our Lord one thousand eight hundred and thirty-one, and the fifty-sixth of the United States of America.

MARTIN BLACHE,
Register of Wills.

I, the undersigned, James Pilot, sole judge of the court of probates in and for the parish and city of New Orleans, do hereby certify that Martin Blache, whose signature is to the above attestation affixed, is now, and was at the time of signing the same, register of wills, and, ex-officio, clerk of the said court of probates in and for the said parish and city; that said attestation is in due form of law; and that the signature thereto is in the proper handwriting of him, the said Martin Blache.

Witness, my hand and private seal, at New Orleans, this 10th day of August, 1831, and the 56th year of American independence.

[L. S.] J. PILOT, *Judge.*

I, Martin Blache, register of wills, and, ex-officio, clerk of the court of probates in and for the parish and city of New Orleans, do hereby certify that the honorable James Pilot, by whom the aforegoing attestation was made, and who has thereto subscribed his name, was, at the time of so doing, and still is, sole and presiding judge of the said court of probates, duly commissioned and qualified; and that to all acts by him so signed, full faith and credit are and ought to be given both in and out of judicature.

In testimony whereof, I have hereunto set my hand, and affixed
[L. S.] the seal of the court of probates, at New Orleans, this 10th of August, 1831, and the 56th year of American independence.

MARTIN BLACHE,
Register of Wills.

This is the copy or document referred to by Martin Blache, in his examination, as the paper marked A.

L. MILLANTON, } *Commissioners.*
J. W. ZACHARIE, }

And, also, the following letters:

(Herein before inserted, in pages 40 and 41 of this record.)

And proved that copies of such letters were shown to the defendants, and that, by the directions of the defendants, the following letter was written to said West by George Winchester, their general agent and attorney:

(Herein before inserted, see page 42 of this record.)

And, also, offered to read in evidence, the following letters:

Letter from George Winchester to John K. West, dated 13th November, 1816. (Herein before inserted, see page 41 of this record.)

Letter from George Winchester to Morgan, Dorsey & Co. dated Baltimore, 17th March, 1819. (Herein before inserted, see page 73 of this record.

Baltimore, 4th June, 1818.

Mr. J. K. WEST:

Sir: I am directed by the executors of Mrs. Vanpradelles to request you will send me a statement of your account, showing what amount has been received, and what remains in your hands. Upon referring to your letter of the 16th January, I find the first note of Mr. Dorsey has been due some time, and I presume something must have been received from sales of the personal estate, which, together, will constitute a sum which, in the situation of the estate, ought to be made productive by being placed at interest. It is the wish of the executors that you would remit the amount to me, through the medium of the Bank of the United States. Whatever receipt you may require for the payment, shall be transmitted as soon as I hear from you.

Letter from G. Winchester to J. K. West, dated 4th June, 1818.

Respectfully, your obedient servant,

GEO. WINCHESTER.

Duplicate.

Baltimore, 4th June, 1819.

Mr. R. K. WEST:

Sir: I am directed by the executors of Mrs. Vanpradelles to request you will send me a statement of your account, showing what amount has been received, and what remains in your hands. Upon referring to your letter of the 16th of January, I find the first note of Mr. Dorsey has been due some time, and I presume something must have been received from sales of the personal estate, which, together, will constitute a sum which, in the situation of the estate, ought to be

Duplicate of the above.

made productive, by being placed at interest. It is the wish of the executors you would remit the amount to me through the medium of the Bank of the United States. Whatever receipt you require for payment, shall be transmitted as soon as I hear from you.

Yours,

GEO. WINCHESTER.

Baltimore 13th January, 1818, *(endorsed*, 1819.*)*

Letter from Geo. Winchester to J. K. West, dated 13th Jan. 1819.

Sir: The foregoing is a copy of a letter which I addressed you at the time it bears date, and to which I have never received an answer. Mrs. Donaldson, and some of the heirs who have recently returned from France, are much disappointed in finding the executors without funds, which they supposed were received long since. I am particularly required by the executors to request you will immediately transmit an account of your transactions with this estate, and that you will remit such sum as may in your hands, through the Bank United States, to me, as their attorney.

Mrs. Donaldson informs me that she had written to a friend of hers in New Orleans, who had applied to you, and was informed that accounts had been transmitted to the agent or principals in Baltimore, with whom the estate had been settled. Such accounts, I assure you, have never reached me—the last letter which I have of yours, being of the 27th June, 1818, stating, "I continue without any letters from you or the executors." J. K. W.

To avoid the accident of miscarriage, I will send a duplicate of this.

With much respect,

Your obedient servant,

GEO. WINCHESTER.

JOHN K. WEST, esq.

Letter from Geo. Winchester to J. K. West, dated 15th February, 1819.

Sir: I acknowledge the receipt of yours, of the 26th December last, and a duplicate covering your accounts with the estate of Mrs. Vanpradelles.

I wrote you, some short time past, which I suppose you must have received before now. I have laid your accounts before the executors, who have desired me to say that, with regard to the items forming the account, they take it for granted your statement is correct, but they think the charge of 5 per cent. commission is not the usual mercantile charge for such services, and, especially, when they observe considerable charges for the services of other persons concerned in the settlement of the estate. With regard to the mode you propose remitting the money, they request me to say they cannot accede to it; because this is a fortunate moment to invest it for the benefit of the minors, and they feel bound to avail themselves of it.

They propose you should remit $5,000 immediately, and the balance, if it would be any accommodation, in sixty days.

If it is not too much trouble, I would thank you to furnish me with a list of the claims due the estate of Mrs. Vanpradelles, either by note or account. I have not written to Mr. Lorain, because I did not know the amount of his debt, which I will thank you to furnish me with.

Respectfully, your obedient servant,

GEO. WINCHESTER.

Baltimore, 15th February, 1819.

Baltimore, 17th March, 1819.

Sir: Two days before the receipt of your last, I learned that you had stopped payment, which, I am sorry to find confirmed by yourself. From the tenor of your letter, I must conclude that the children of Mrs. Vanpradelles are to come in as common creditors; but did you not give security upon taking out letters of administration? If so, those securities must certainly be liable, as the estate remains unsettled, and I presume they could not be released until the estate was closed, or the executors had released you, which they inform me they never have done. Letter from Geo. Winchester to J. K West, dated 17th March, 1819.

I do not pretend to judge whether the circumstances which led to your failure were such as to justify that unfortunate event in the eyes of the commercial community, but I do say, that, considering the nature of the trust confided to you, and the persons for whose benefit that trust was to be executed, no circumstances can excuse, much less justify you, in not paying the money collected for these orphans. It was not an ordinary transaction; it was a sacred trust for the protection of those who were without protection, and who relied with confidence in receiving it from you. I still hope that your securities upon the administration may be sufficient to meet the claim, as, without that recourse, these children must be left destitute.

The executors have forwarded a power of attorney to Messrs. Morgan, Dorsey & Co., to whom they request you will deliver the books, papers, and effects of the estate.

I am, respectfully, your obedient servant,
GEO. WINCHESTER.

And proved that they were written by the directions of the defendants. And, also, that the following accounts were furnished by West to the defendants; and subsequently the letters of Geo. Winchester o West, and Morgan, Dorsey & Co. were written and sent and proved that the following notices were served on the defendants:

(Accounts herein before inserted, see pages 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, of this record.)

JAMES F. HULL, *vs.* OWINGS & TAYLOR. } *Circuit Court United States, 4th Circuit, Maryland District, April term*, 1831. Notice to defendants' attorneys to produce papers.

To R. B. MAGRUDER, Esq. W. G. KREBS, Esq. } *Attorneys for Defendants.*

Gentlemen: You are hereby notified to produce on the trial of the above case, all the accounts furnished, and letters addressed by John K. West to the defendants, or to their attorney, and particularly the accounts bearing date the 23d day of December, 1818; or other evidence will be given of their contents.

NATH. WILLIAMS,
Pl'ff's Att'y.

10th April, 1831.

Service admitted at 15 minutes past 10 o'clock, 11th April, 1831.
R. B. M.
W. G. K.
For Defendants.

And also proved by George Winchester, a legal and competent witness, that the defendants knew of the suit being instituted, during its pendency, against the plaintiff for the recovery of said slaves; that he knew of such proceedings, and that the defendants must have known it.

To the reading of all which commissions, depositions, returns, letters and accounts, to the jury, the defendants, by their counsel, objected, and offered to state the ground of such objection, to each part of the testimony so offered, as the same should be offered; when it was agreed by the counsel on both sides, that the whole of said testimony should be read, subject to all exceptions; and the same was accordingly read to the jury, subject to such reservation.

And thereupon the plaintiff rested his case, and the defendants, by their counsel, made the following objections to the admissibility of the testimony, so as above offered in evidence, viz.

Defendants objections to the plaintiff's testimony.

1. That the record in the case of Donaldson vs. Hull, in the parish court of New Orleans, is not evidence in this cause against the defendants, except as to the judgment of the court in Louisiana.

2d. The copy of the original bill of sale on record in the notary's office, is not evidence, unless the plaintiff aocounts for the non-production of the original.

3d. That to make the act of sale marked H., evidence, it must appear, by the laws of Louisiana, properly and legally proven that the original act of sale, of which it purports to be a copy, is in the custody of a public depository, and cannot be adduced in evidence.

4th. The depositions and documentary proof contained in the record, in the cause of Donaldson vs. Hull, are not evidence against the defendants in this cause.

5th. That the paper referred to in the testimony of Martin Blache, purporting to be letters testamentary granted by the court of probates to John K. West, are not legal evidence in this cause against the defendants.

6th. The evidence of Mr. Winchester, with regard to the letters, and the account of Mr. West, transmitted by him, are not admissible in evidence in this cause.

And the defendants, by their counsel, offered the following prayers:

Defendants' prayers.

1st. The defendants, by their counsel, pray the court to direct the jury that there is no evidence in the cause to show that John K. West had any authority from the defendants in this cause, to effect a sale of any property belonging to the estate of their testatrix in Louisiana, except in conformity with the laws of said State; and that, unless the plaintiff shows a sale to the plaintiff Hull, by West, in conformity with said laws, and a subsequent recovery from Hull, he is not entitled to recover.

2d. The defendants, by their counsel, prayed the court to direct the jury that, unless they believe that John K. West strictly complied with the special instructions given him by the defendants in the power of attorney, of January 30th, 1816, and caused such legal proceedings to be instituted as were necessary to effect a sale of the personal estate of which their testatrix died possessed in Louisiana, and, under such legal proceedings, made sale of certain slaves, being part of the said personal estate, to J. F. Hull, the plaintiff in this cause; and that the said slaves were subsequently recovered from the said Hull, that the plaintiff is not entitled to recover.

Thereupon, the plaintiffs' counsel, on their part, contended and insisted that commission and the return first herein referred to, are legal and competent evidence to prove a recovery of the said slaves from the plaintiff, by due course of law, for defect of title in the defendants and John K. West, their agent and attorney, and of the plaintiff, who claimed under the said defendants, and their said agent as aforesaid.

And also moved the following prayers to the court:

JAMES F. HULL,
vs.
CHARLOTTE D. OWINGS, FRANCES T. D. TAYLOR.

Plaintiff's prayers.

1st. The acts of John K. West, relative to the sale of certain slaves to the plaintiff in this case, in Louisiana, which were made known to the defendants, and were assented to, and acquiesced in by them, are binding upon the defendants as West's principals, whether these acts did or did not conform to a letter of attorney previously given by the defendants to West.

2d. The accounts furnished by John K. West to the defendants, and retained by them, and no item objected to therein, except the charge of 5 per cent. commissions, are proper and legal evidence of the nature and particulars of the transactions between West and the defendants, so far as these transactions are therein detailed, except as to the charge for commissions.

3d. The letters of George Winchester, written, by the direction and with the approbation of the defendants, to West, and to Morgan, Dorsey & Co., and by them respectively received, and the instructions given to Winchester by the defendants, and by him communicated to West, are proper and legal evidence in this case.

And, thereupon, the court gave the following opinion:

HULL,
against
OWINGS & TAYLOR.

November term, 1831.

Opinion of the court.

The action in this case is brought to recover a sum of money paid by the plaintiff, for certain slaves purchased by him of John K West, attorney of the defendants, as executors of Mrs. Vanpradelles, a sister. This sale was declared void by the supreme court of the State of Louisiana, where the sale was made, for reasons stated in the opinion of the court, that the sale was made without an order of court, and was not made at public auction.

The counsel for the defendants contend that, as the sale was not made according to the laws of Louisiana, and was adjudged to be void by the court of that State, the proceedings of the attorney were void for that reason; and that West, being a special agent, did not pursue the instructions of his constituents, but acted contrary to them.

The counsel for the plaintiff insists that the instructions of the defendants to their attorney were pursued; and that, whether they were special or general, they were ratified by the defendants, and therefore binding on them, and that the plaintiff in this suit is entitled to recover the money paid by him for the slaves thus sold. Whether an agent has a general or only a special authority, is properly matter of evidence for the consideration of a jury. If an agent exceeds his authority, or if he acts without authority, if the employer subsequently acquiesces or approves his conduct, he is bound

by it, and a small matter will be evidence of such assent. And if, with a knowledge of all the circumstances, an employer adopts the acts of his agent for a moment, he is bound by them. But the great principle in this cause is this: that where one of two innocent persons must suffer by the fraud or act of a third, he who enabled that person, by giving him credit, to commit the fraud, or do the act, ought to be the sufferer. In this case, it does not appear by the evidence given, that West, the attorney, had or had not taken letters of administration on the estate of Mrs. Vanpradelles. The fact is not noticed in the opinion of the court. The court of Louisiana declare the sale void because made without an order of the court, and not at public auction We know that, in Maryland, after letters are granted, the executor or administrator, in many cases, cannot sell slaves without an order of court. This court will not presume that letters of administration were granted to the attorney; much less will they presume that they were not granted. The course of proceeding in the courts of Louisiana is according to the principles of the civil law. In our State it is different. With these indications of the opinion of the court, the jury are instructed that, if they believe, from the evidence, that the acts of John K. West, the attorney of the defendants, were made known to them, and were assented to, and acquiesced in, they are binding upon them, whether the acts did or did not conform strictly to the letter of attorney previously given by them to West. This opinion of the court is deemed a sufficient answer to all the prayers made by counsel for plaintiff and defendants.

To which opinion, and to the refusal of the court to grant the prayers, and sustain the objections, so as above made by the defendants' counsel, the defendants, by their counsel, prayed leave to except, and prayed the court to sign and seal this their bill of exceptions, agreeably to the statute in such case made and provided; which is accordingly done, this eight day of November, 1831.

G. DUVALL. [L. S.]
ELIAS GLENN. [L. S.]

JAMES F. HULL, *vs.* CHARLOTTE D. OWINGS, FRANCES T. D. TAYLOR, } *Circuit Court of the United States for the Fourth Circuit, in and for the Maryland District, November term*, 1831.

Defendants' 2d exception.

And, thereupon, the defendants, by their counsel, objected to the admissibility in evidence of the record from the parish court in and for the parish and city of New Orleans, in the State of Louisiana, annexed to the commission, and marked P, for any purpose, on the ground of its not being authenticated according to law; but the court overruled this objection. To which the defendants, by their counsel, asked leave to except, and prayed the court to sign and seal this their bill of exceptions agreeably to the statute in such case made and provided; which is accordingly done, this eighth day of November, 1831.

G. DUVALL. [L. S.]
ELIAS GLENN. [L. S.]

JAMES F. HULL, *vs.* CHARLOTTE D. OWINGS, FRANCES T. D. TAYLOR. } *Circuit Court of the United States for the Fourth Circuit in and for the Maryland District, November term*, 1831.

Defendants' 3d exception.

And the defendants further prayed the direction of the court to the jury, that, if they should be of opinion, from the

evidence, that the defendants did ratify the said sale of said negroes, yet, if they should be of opinion that West did not, before such ratification, apprise the defendants of the fact that letters of administration were never taken out by him in Louisiana, upon the estate of Mrs. Vanpradelles; and of the fact, that, by the laws of Louisiana, the executrixes, the defendants, never could have claimed any property in the said negroes so sold; and that the defendants, in ignorance of the existence of these facts, did ratify said sale, then, such ratification being made without a full knowledge of all circumstances material for them to know before they made such ratification, is not binding upon them.

This prayer not arising from the facts in the case, the court refuse to grant it. But the court are of opinion that, if the jury should believe, from the evidence, that the proceedings of their attorney were ratified by them, it is not material whether they know or did not know that West had not taken out letters of administration on the estate of the testatrix.

To which opinion, and to the refusal of the court to grant said prayer, the defendants, by their counsel, asked leave to except; and prayed the court to sign and seal this their bill of exceptions, agreeably to the statute in such case made and provided; which is accordingly done, this eighth day of November, 1831.

G. DUVALL. [L. S.]
ELIAS GLENN. [L. S.]

Afterwards, to wit, on the eighth day of November, in the year of our Lord one thousand eight hundred and thirty-one, the aforesaid Charlotte D. Owings and Frances T. D. Taylor, by their attorneys aforesaid, produced to the said circuit court here the writ of the United States of America for the correcting of errors of and upon the premises, commanding the record and proceedings of the judgment aforesaid, so as aforesaid rendered, with all things concerning the same, to be transmitted to the Supreme Court of the United States, to be held at the city of Washington on the second Monday in January next, which said writ of error is in the words, and of the tenor following, to wit:

Writ of error. UNITED STATES OF AMERICA, ss.—*The President of the United States to the Judges of the Circuit Court of the United States for the District of Maryland, greeting:*

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said circuit court before you, or some of you, between James F. Hull, plaintiff, and Charlotte D. Owings and Frances T. D. Taylor, defendants, a manifest error hath happened, to the great damage of the said Charlotte D. Owings and Frances T. D. Taylor, as by their complaint appears. We, being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the second Monday in January next, in the said Supreme Court to be then and there held, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be

done therein to correct that error, what of right, and according to the laws and custom of the United States, should be done.

Witness, the honorable John Marshall, Chief Justice of our Supreme Court, this first day of August, in the year of our Lord one thousand eight hundred and thirty-one.

Issued 8th Nov., 1831.

PHILIP MOORE, *Clk. Ct. Ct.*

In pursuance whereof, and according to the form and effect of the act of Congress of the United States in such case made and provided, a transcript of the record and proceedings of the judgment aforesaid, so as aforesaid rendered, with all things relating to the same, together with the said writ of error, are transmitted to the said Supreme Court of the United States accordingly.

Writ of error—bond. Know all men by these presents, that we, Charlotte C. D. Owings, Frances T. D. Taylor, Alexander Nesbit, and John Stricker, of Baltimore county, in the State of Maryland, are held and firmly bound unto James F. Hull, of the city of New Orleans, in the just and full sum of five thousand two hundred dollars current money of the United States, to be paid to the said James F. Hull, his certain attorney, heirs, executors, administrators, or assigns, to which payment, well and truly to be made and done, we bind ourselves and each of us, our and each of our heirs, executors, administrators, and assigns, jointly and severally, firmly by these presents; sealed with our seals, and dated this fifteenth day of November, in the year of our Lord one thousand eight hundred and thirty-one.

Whereas, at a circuit court of the United States for the fourth circuit in and for the Maryland district, begun and held at the city of Baltimore, on the first day of November, in the year of our Lord one thousand eight hundred and thirty-one, the said James F. Hull, by the judgment of the same court, recovered against the said Charlotte C D. Owings and Frances T. D. Taylor the sum of two thousand six hundred and thirty-six dollars and ninety-seven cents, damages and costs of suit in that behalf laid out and expended. And, whereas, the said Charlotte C. D. Owings and Frances T. D. Taylor have sued out the writ of the United States for the correcting of errors, and a citation directed to the said James F. Hull, citing and admonishing him to be and appear at a Supreme Court of the United States to be held at the city of Washington on the second Monday in January next.

Now, the condition of the above obligation is such, that, if the said Charlottee C. D. Owings and Frances T. D. Taylor shall well and truly prosecute, with effect, their said writ of error, and pay to the said James F. Hull the said sum of two thousand six hundred and thirty-six dollars and ninety-seven cents, together with all interest, costs and damages which may be awarded by the said Supteme Court in case they shall fail to make their plea good, then the above obligation to be void; otherwise to be and remain in full force and virtue.

CHARLOTTE C. D. OWINGS. [SEAL.]
JOHN STRICKER. [SEAL.]
FRANCES T. D. TAYLOR. [SEAL.]
ALEXANDER NESBIT. [SEAL.]

Signed, sealed, and delivered in presence of
WM. GEO. KREBS.

Approved in open court, 19th November, 1831.

PHILIP MOORE, *Clk.*

UNITED STATES OF AMERICA, } *to wit:*
District of Maryland, }

To James F. Hull, greeting. Citation.

You are hereby cited and admonished to appear at a Supreme Court of the United States, to be held at the city of Washington on the second Monday in January next, pursuant to a writ of error filed in the clerk's office of the circuit of the United States for the fourth circuit in and for the Maryland district, wherein James F. Hull is plaintiff, and Charlotte D. Owings and Frances T. D. Taylor, are defendants, to show cause, if any there be, why the judgment rendered against the said Charlotte D. Owings and Frances T. D. Taylor, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, my hand and seal, this eighth day of November, in the year of our Lord one thousand eight hundred and thirty-one.

ELIAS GLENN, [SEAL.]
Judge of the United States for Maryland District.

I acknowledge notice of this citation, Nov. 8th, 1831.

NATH. WILLIAMS, *Att'y for Hull.*

In testimony that the aforegoing is a true copy taken from the record and proceedings of the circuit court aforesaid, I hereunto subscribe my name, and affix the seal of the said circuit court, this seventeenth day of February, in the year of our Lord one thousand eight hundred and thirty-two. [SEAL.]

PHILIP MOORE, *Clk. Ct. Ct.*